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OF THE

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Regular Session, 1950

TUESDAY, FEBRUARY 7, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House opened with prayer by the Reverend Will B. Campbell, pastor of the Methodist Church, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams	Charles J. Bronston	Mitchell S. Fannin
Bill Adams	J. D. Buckman, Jr.	Henry C. Hale
Edgar Arnett	Mrs. M. E. Burnett	C. A. Hammons
Sidney Baer	Charles W. Burnley	James P. Hanratty
Clarence J. Barnum	Alex Calvert	George F. Harris
C. E. Baumgardner	Stanley Carter	Paul E. Hayes
Leonard T. Bean	Paul Combs	John A. Head
John D. Beatty	R. Josh Cosby	Harold G. Helm
Fred Beshear	B. H. Crider	William K. Henry
R. O. Blevins	Owen Deering	E. R. Hilton
L. E. Bradley	G. I. Drury	Ray Holbrook
Edward O. Bridgers	Thomas R. Duncan	Woodrow W. Hollan
Thomas L. Britton	R. C. Estepp, Sr.	Chester J. Holsclaw

W. M. Horn
Richard R. Houpt
Durham W. Howard
Maurice G. Howard
Robert N. Hubbard
Silas Jacobs
Paul S. Jonas
Barkley Jones
William Jones
James W. Lambert
Jesse H. Lawrence
Mrs. J. T. Linton
Homer E. Losey
A. L. (Chick) Love
Harry K. Lowman
True Mackey
Damon Majors
John Martin
Wm. T. Marshall
G. Lee McClain
Jack McPherron
Alton Mitchell
Archie R. Moore
Emmett G. Moore
Walter R. Moorman
Fred H. Morgan
C. S. Nabb
Dr. C. E. Palmore
James H. Polsgrove
Leonard W. Preston
Hobart Rayburn
W. R. Reasor
Carl J. Ruh
Amos Runyan
Dr. Roy Sanders
LeRoy Saylor
Roy Searcy
Paul E. Shannon
James S. Shaw
Gus Sheehan, Jr.
Jesse H. Shelton
Forest Smith
Joseph T. Snapp
John M. Spaulding
J. Claude Stacy
Roy Steers
Raymond D. Stigall
Mrs. Thelma Stovall
W. R. Stringer
Egbert V. Taylor
M. G. Thompson
Rev. T. Herbert Tinsley
Ralph N. Walter
Fred M. Warns
Harry Lee Waterfield
Lyle H. Webb
Morris Weintraub
G. F. Williamson
Charles W. Wirsch
Adron Doran, Speaker

Mr. Baer moved that leaves of absence be granted to Messrs. Bailey and Helm.

Said motion was agreed to.

A message which was received from the Senate announced that they had passed a bill, which originated in that body, of the following title, viz:

S. B. No. 29. AN ACT relating to public records and the indexing thereof, amending Section 382.205 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) In any county where indexes to the records of deeds, mortgages, wills, marriages, or other public records have been or may hereafter be prepared by the Work Projects Administration or other appropriate agency of the United States Government, or by order of the fiscal court of any county, such indexes or any

of them may be adopted as the official general cross indexes of such records in the manner provided by this section in addition to each individual book index. Upon the completion of any such indexing project by an appropriate Federal Agency or by a person or persons acting under the authority of a fiscal court, or at any time thereafter, any citizen of the county may petition the county court to have said index adopted as the official index. Upon the filing of the petition, the court may forthwith by appropriate order designate a licensed attorney practicing in the county who with the county attorney and county court clerk shall comprise a commission to examine the index proposed to be adopted and ascertain whether the index is a complete and accurate index of the records to which it pertains. The commission shall thereupon make such examination as may be necessary to ascertain to its satisfaction whether such index is complete and accurate. Upon completion of such examination, the commission shall make a written report to the court of the results thereof and of its recommendations, which report shall lie over for exceptions until the second regular term of the county court thereafter held. Notice of the filing of said report shall be given by the clerk by publication in at least two issues of a daily newspaper published in said county, or if there be no daily newspaper, in a weekly newspaper, or if there be no weekly newspaper, by written or printed notices posted at the courthouse door and in the county court clerk's office. Exceptions may be filed by any interested person, and if filed shall be heard and determined as in other cases. If no exceptions are filed thereto, or upon the exceptions (if any) the court shall hear such proof as may be thought proper respecting the report filed by the clerk and the exceptions, and shall judicially determine whether the said index is complete and accurate, and if it is determined that the index is complete and accurate, an order shall be entered adopting said index; provided, that if from such report or such proof it appears that corrections or additions should be made to such index in order to render it accurate and complete, the order may direct that such corrections or additions shall be made by the clerk, and in that event it shall be the duty of the clerk to make such corrections or additions forthwith, and upon his report that he has done so an order shall be entered adopting the index as so corrected. If adopted, said index shall thereupon become the official general

cross index of the records to which it pertains, and all persons shall be entitled to rely thereon to the same extent as if the index had been prepared by the clerk of the county court. Upon the adoption of any such index, it shall be the duty of the clerk to bring same up to date from the point at which same ceased to be made by the agency which prepared it, and to continue and maintain said index thereafter in lieu of the indexing system theretofore used, except he will continue to keep the regular individual book index, and to index all instruments lodged for record in conformity therewith. The indexes theretofore used shall not be destroyed after the adoption of the new indexes, but shall be safely kept by the clerk as other records are kept, subject to inspection by any person interested therein.

(2) Expenses incurred by the county clerk under the provisions of this section shall be paid by the fiscal court of the county.

Ordered that said bill be printed and referred.

Mr. Harris moved that the reading of the Journal of the proceedings of Monday, February 6, 1950, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Tinsley moved that the rules be suspended and the privilege of the floor extended to Mr. Stanley Dickson, Bourbon County, Kentucky, former Speaker of the House of Representatives, and Mr. Zeb Stewart, of Frankfort, Kentucky.

Said motion was unanimously agreed to.

Mr. Hilton moved that the House take up for immediate consideration from the Clerk's desk a bill of the following title, viz:

H. B. No. 44. AN ACT relating to elections.

Said motion was agreed to.

The House then took up for consideration said bill.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 118.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsections (4), (5) and (6) of this section, the county clerk of each county shall cause to be printed on one ballot the names of all candidates of his jurisdiction who have been properly nominated for any office specified in the ballot and whose nominations have not been withdrawn as provided in KRS 118.160. All nominations of any party or group of petitioners shall be printed under the title and device designated by them in their certificate or petition, or if none is designated, under some suitable title and device. If the same device for designating candidates is selected by two parties or groups of petitioners it shall be given to the one that first selected it, and the clerk shall select a suitable device for the other.

(2) Except as provided in subsections (4), (5) and (6) of this section, the ballots shall in general conform, as nearly as practicable, to the following plan:

(a) The lists of the candidates of the various parties shall be printed in parallel columns, in such order as the Secretary of State directs, precedence being given to the party that polled the higher number of votes for the head of the ticket in the last preceding election. The device of each party shall be placed at the head of the list of candidates of the party. The device shall not be enclosed in a square, but immediately under the device shall be placed a circle one inch in diameter. Immediately under it shall be placed the name or title of the party ticket, and immediately under the name or title shall be placed the list of candidates of the party, the name of each candidate having immediately on its right a small square large enough to contain the cross mark by which the voter is required to designate his vote. Underneath the name of each candidate shall be left a blank space large enough to contain a written name. If upon any ticket there is no candidate for a designated office, a blank space equal to the space that would be occupied by the name of a candidate for that office shall be left.

(b) At the top of all official ballots to be used in any primary, general or special election in any county, and separated from it by a perforated line, shall be a stub, containing the consecutive number of the ballot and a space for the name, residence and registration number of the voter.

(c) On the back shall be printed "Official Ballot," the date of the election and a facsimile of the signature of the clerk who has caused the ballot to be printed. There shall also be printed on the back of the ballot a blank line followed by the word "Clerk" and a blank line followed by the word "Judge."

(d) The ballots shall be bound, with attached stubs, into books, one for each voting precinct. Upon the covers of the book shall be printed the designation of the precinct for which the ballots have been prepared, and on the inside of one of the covers shall be printed the form prescribed in subsection (2) of KRS 118.410.

(3) Whenever a Constitutional amendment or other public measure is proposed to be voted upon by the people, the substance of the measure shall be clearly indicated upon the ballot, with two spaces upon the right, one for votes favoring the measure to be designated by the word "Yes," and one for votes opposing the measure to be designated by the word "No."

(4) When there are offices or public questions that are to be voted for by only a portion of the voters in any precinct, as in the case of city elections where the city awards or election units are not coextensive with the precinct boundaries, the names of the candidates for such offices and such public questions shall be printed on separate ballots, which shall conform as nearly as practicable with the provisions of this section. Separate ballots shall also be printed for public questions when specifically required by the law providing for the submission of the questions.

(5) The ballots in elections for members of boards of education shall be prepared as provided in KRS 160.220 and 160.230.

(6) The names of candidates of the several political parties and organizations for electors of President and Vice President of the United States shall not be printed on the ballot, but in lieu thereof, immediately under the party name or device of each

party in the column of its candidates on the official ballot, there shall be printed within a bracket the name of the candidate for president and the name of the candidate for Vice President of such party, with a square to the right of the bracket. The placing of a cross within the square to the right of the bracket enclosing the names of candidates for President and Vice President, or in the circle at the head of the column of such party, shall not be deemed and taken as a direct vote for such candidates for President and Vice President, but shall only be deemed and taken to be a vote for the entire list or set of electors chosen by that political party as provided in KRS 118.090.

Sec. 2. Subsection (1) of Section 118.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person desiring to vote and legally entitled to vote shall give his name and residence to the clerk holding the ballots, who shall write the same upon the stub of the ticket in the blank places provided therefore, together with the voter's registered number. The clerk shall then detach the ballot from the stub, sign his name on the line designated for the clerk's signature and deliver it to one of the judges who shall sign his name on the blank line designated for the judge's signature. No ballot not so signed by one of the judges shall be counted by the canvassing board. After the ballot has been signed by the clerk and one of the judges, the clerk shall hand it to the voter. The clerk shall give the voter only one ballot, and on request of the voter shall explain the manner of voting. When there are separate ballots for officers or public questions to be voted for by only a portion of the voters in a precinct, such ballots shall be given only to such voters as reside in the portion of the precinct that is within the territory for which the office is provided or with respect to which the public question is submitted. The separate ballots for the election of members of boards of education shall be issued as provided in KRS 160.240.

Sec. 3. Section 118.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) If the voter, upon examining his ballot, finds that it is not signed on the back by the clerk of the election and one of the judges of the election, the voter shall return the ballot to the

election officers for said signatures before voting the ballot. After marking his ballot the voter shall deposit the ballot in the ballot box. It shall be the duty of the election officers to see that all voted ballots are placed in the ballot box by the voter as provided in this section, and if the voter attempts to leave the room with a ballot he shall be arrested by the sheriff of the election and the ballot shall be taken from his possession, marked "spoiled," with the name of the voter from whom the ballot was taken and a statement that the ballot was taken from him while attempting to leave the room with it, and shall be signed by the clerk of the election and one of the judges of the election and returned with the spoiled ballots. It shall be unlawful for any election officer, after a ballot has been delivered to a voter, to unfold the ballot or to attempt, directly or indirectly, to ascertain how the ballot has been voted.

(2) No voter shall cast any ballot other than the one that he received from the election clerk.

(3) Each voter shall mark his ballot without undue delay and shall not occupy a booth when occupied by another. He shall leave the booth and the room when the ballot is marked and deposited by him in the ballot box. Voters shall not occupy any booth more than three minutes when others are waiting to vote.

Sec. 4. Section 118.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) If no contest is filed, the county board of election commissioners shall return the keys to the ballot boxes to the county clerk at the expiration of fifteen days after the count is completed. If a contest is filed, the board shall hold the keys subject to the orders of the court trying the contest.

(2) When the County board of election commissioners has completed the count of the votes and has executed the required certificates, it shall deliver the stub books containing the returns, together with the undestroyed ballots, enclosed in an envelope, to the county clerk.

(3) The stub books, ballots, tally sheets, linen envelopes and voters' affidavits shall, after the results of the election have been certified, remain in the office of the county clerk as a part of his

records for a period of six months. If at the expiration of the said six months there is no contest, recount or criminal prosecution pending involving the same, the clerk shall deliver the same to the appropriate authority for use in supplying paper needed in National Defense. If a contest, recount or criminal prosecution is pending at the end of the six months' period, the clerk shall make a similar disposition of such material when authorized by order of the judge of the court in which the proceeding or prosecution is pending. After the termination of the present National Emergency the clerk shall, at the end of the six months' period above referred to, or when authorized by the circuit judge of the county, sell the material for the best price obtainable and pay the proceeds into the county treasury, after taking proper precautions to see that no information as to how any voter has voted can be obtained from examining such material. If no sale can be made the material shall be destroyed.

Mr. Hilton moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hilton moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

R. Josh Cosby	M. G. Howard	Jesse H. Shelton
C. A. Hammons	Silas Jacobs	John M. Spalding
E. R. Hilton	Amos Runyan	J. Claude Stacy
Ray Holbrook	Roy Searcy	Mrs. Thelma Stovall

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Those who voted in the negative were—

Bill Adams	Paul E. Hayes	Leonard W. Preston
Edgar Arnett	John A. Head	Hobart Rayburn
Leonard T. Bean	William K. Henry	W. R. Reasor
John D. Beatty	W. M. Horn	Carl J. Ruh
R. O. Blevins	Paul S. Jonas	James S. Shaw
L. E. Bradley	Barkley Jones	Forest Smith
Thomas L. Britton	James W. Lambert	Roy Steers
J. D. Buckman, Jr.	Homer E. Losey	Raymond D. Stigall
Mrs. Mary E. Burnett	A. L. (Chick) Love	W. R. Stringer
Charles W. Burnley	True Mackey	Egbert V. Taylor
Stanley Carter	John Martin	M. G. Thompson
Paul Combs	Wm. T. Marshall	Ralph N. Walter
B. H. Crider	Jack McPherron	Fred M. Warns
Owen Deering	Alton Mitchell	Harry L. Waterfield
G. I. Drury	Archie R. Moore	Lyle H. Webb
Thomas R. Duncan	Emmett G. Moore	Morris Weintraub
Mitchell S. Fannin	Fred H. Morgan	G. F. Williamson
Henry C. Hale	Dr. C. E. Palmore	Charles W. Wirsch
George F. Harris		—55

Resolved that the title thereof be as aforesaid.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill which originated in this House of the following title, viz:

H. B. No. 99. AN ACT relating to revenue and taxation.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Henry moved that a bill of the following title, viz:

H. B. No. 62. AN ACT relating to the Kentucky State Fair, amending Section 247.130 of the Kentucky Revised Statutes.

Which was reported by the Committee on State Fair on February 2, without expression of opinion,

Be advanced to a reading.

Without objection, said motion was withdrawn.

Mr. Henry moved that said bill be recommitted.

Without objection, said motion was agreed to, and said bill was recommitted

To the Committee on State Fair.

Bills and resolutions of the following titles were introduced, viz:

By Mr. Baer.

H. B. No. 271. AN ACT to establish a water pollution control commission and to control, prevent, and abate pollution of the streams, lakes, ponds, and other surface or underground waters of the Commonwealth.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. DECLARATION OF POLICY. It is hereby declared to be the policy of this Commonwealth to conserve the waters of the Commonwealth for public water supplies, for the propagation of fish and aquatic life, for fowl, animal wild life and arborous growth, and for agricultural, industrial, recreational and other legitimate uses; to provide a comprehensive program in the public interest for the prevention, abatement and control of pollution; to provide effective means for the execution and enforcement of such program; and to provide for cooperation with agencies of other states or of the Federal Government in carrying out these objectives.

Section 2. STATEMENT OF PURPOSE. It is the purpose of this Act (a) to safeguard from pollution the uncontaminated waters of the Commonwealth; (b) to prevent the creation of any new pollution of the waters of the Commonwealth; and (c) to abate any pollution existing at the time of the adoption of this Act.

Section 3. DEFINITIONS. Unless otherwise required by the context, the following words and phrases shall have the meanings hereinafter respectively ascribed to them.

(a) "Commission" means the Water Pollution Control Commission which is hereby created,

(b) "Member" means a member of the Commission.

(c) "Person" or "Persons" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, co-partnership, association, firm, trust, estate, or other entity whatsoever.

(d) "Water" or "Waters of the Commonwealth" means and includes any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes and all other bodies of surface or underground water, natural or artificial, situated wholly or partly within or bordering upon the Commonwealth or within its jurisdiction.

(e) "Pollution" means the discharge or deposit of sewage, industrial wastes or other wastes in such condition, manner or quantity as may contaminate or contribute to the contamination of the waters of the Commonwealth detrimental to the public health or welfare, to animal or aquatic life or marine life, to the use of such waters as present or future sources of public water supply or to the use of such waters for recreational, commercial, industrial, agricultural or other legitimate purposes.

(f) "Sewage" means the water-carried human or animal wastes from residences, buildings, industrial establishments or other places together with such industrial wastes, underground, surface, storm or other water, as may be present.

(g) "Industrial Wastes" means liquid, or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resource.

(h) "Other Wastes" means sawdust, bark or other wood debris, garbage, refuse, ashes, offal, tar, oil, chemicals, acid drainage and all other foreign substances not included within the above definitions of industrial wastes and sewage which may cause or contribute to the pollution of any waters of the Commonwealth.

(i) "Establishment" means any industrial plant, mill, factory, tannery, paper or pulp mill, mine or mineral processing or producing facility, quarry, oil refinery, boat, vessel or other type of commercial, manufacturing or industrial works or facility in the operation of which sewage, industrial wastes or other wastes are produced.

(j) "Sewerage" or "Sewer System" means pipe lines or conduits, pumping stations and forcemaines and all other constructions, devices and appliances appurtenant thereto, used for conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

(k) "Treatment Works" means any disposal field, lagoon, pumping station, screen, settling tank, oxidation device, digestor, incinerator, sterilizer or area devoted to land fills or other works not specifically mentioned herein, installed for the purpose of treating, neutralizing, stabilizing, sterilizing or disposing of sewage, industrial wastes or other wastes.

(l) "Disposal System" means a system for disposing of sewage, industrial wastes, or other wastes, and includes sewer systems and treatment works.

(m) "Outlet" means the terminus of a sewer system or the point of emergence of any water-borne sewage, industrial waste, or other wastes or the effluent therefrom, into the waters of the Commonwealth.

Section 4. WATER POLLUTION CONTROL COMMISSION, CREATION, MEMBERSHIP, COMPENSATION, ORGANIZATION, MEETINGS. (a) For the purpose of carrying out the provisions of this Act, there is hereby created in the Department of Health a Water Pollution Control Commission.

(b) The Commission shall consist of the Commissioner of the Department of Health, the Commissioner of the Department of Conservation, the Attorney General, the Director of the Division of Game and Fish, and two (2) citizens of the Commonwealth to be appointed for terms of four (4) years each, by the Governor, one (1) of whom shall be selected from groups representative of industrial management, and one (1) from groups representative of municipalities. Vacancies shall be filled for the unexpired portion of any term in the same manner as an original appointment. Each of the officers of the Commonwealth hereby made a member of the Commission may, by written order filed with the Secretary of the Commission, designate a deputy or other representative in his department to serve in his stead and to perform his duties as a member of the Commis-

sion in his absence. Such designation shall be deemed temporary only and shall not affect the merit system or retirement rights of any person so designated.

(c) No salary or other compensation shall be allowed any member of the Commission but each member may be reimbursed for actual and necessary expenses incurred in the performance of his official duties.

(d) At its first meeting following the approval of this Act, the Commission shall select one of its members to serve as chairman and at the first regular meeting in each calendar year thereafter, the Commission shall select a Chairman for the ensuing year. The Director of the Division of Sanitary Engineering of the Department of Health shall serve as technical Secretary and administrative agent of the Commission. During the interim between meetings, he shall perform in the name of the Commission such functions and duties and shall exercise such authority of the Commission as the Commission may by resolulution delegate to him. The Commission may employ such technical, stenographic, clerical and other assistance as may be required in order to carry out the provisions of this Act, may define their powers and duties and may fix their compensation which shall be paid out of the treasury of the Commonwealth, out of appropriations available for that purpose, upon requisition of the Commission.

(e) Technical, scientific, legal or other services required by the Commission shall be performed, insofar as practicable, by personnel of the Department of Health, the Department of Conservation, the Division of Game and Fish and other state departments, without additional compensation, but the Commission may employ such other personnel as may be necessary to carry out the provisions of this Act. The Commission may request and receive the assistance of any state or municipal educational institution, experiment station, laboratory or other agency when it is deemed necessary or beneficial by the Commission to carry out the provisions of this Act. The Division of Game and Fish is authorized, out of its receipts, to make contributions to the Commission for its program.

(f) The Commission shall hold regular meetings at least once in every two months, the time and place of which shall be

determined by the Commission. Special meetings may be called by the Chairman or by two members of the Commission by delivery to the office of each member of the Commission a written notice thereof at least five (5) days in advance of the date of any such meeting. Three members of the Commission shall constitute a quorum at any meeting. The Commission shall establish by-laws for the conduct of its meetings and shall keep an accurate record of all of its proceedings.

Section 5. WATER POLLUTION CONTROL COMMISSION, AUTHORITY, POWERS AND DUTIES. The Water Pollution Control Commission shall have and be entitled to exercise the following authority, powers and duties:

(a) To exercise general supervision of the administration and enforcement of this Act and all rules and regulations and orders promulgated hereunder.

(b) To develop a comprehensive program for the prevention, control and abatement of water pollution throughout the Commonwealth.

(c) To advise, consult, and cooperate with other agencies of the Commonwealth, other states and the Federal Government and with affected groups and industries, in the formulation and carrying out of such a program; to accept and administer loans and grants from the Federal Government and from other sources for carrying out any of its functions.

(d) To encourage and conduct studies, investigations, research, experiments and demonstrations and to collect and disseminate information relating to water pollution and the prevention, control and abatement thereof.

(e) To establish, modify or amend, after public hearing, water quality standards for the waters of the Commonwealth according to their particular uses.

(f) To adopt, after hearing, such general rules and regulations pertaining to the prevention, abatement and control of existing or proposed pollution as the Commission may deem necessary to the accomplishment of the purposes of this Act.

(g) To adopt, without hearing, rules and regulations with respect to the procedural aspects of hearings, the filing of reports and orders, the issuances of permits and other matters.

(h) To issue, after hearing, orders abating discharges or requiring the adoption of such remedial measures, including the construction of new disposal systems or treatment works or the modification, extension or alteration of existing systems and works, as the Commission may deem necessary or proper; to receive complaints and make investigations in connection with the foregoing.

(i) To examine and pass upon all plans and specifications for, and to inspect the construction of new disposal systems and treatment works, extensions, modifications or additions to new or existing disposal systems or treatment works, and extensions and modifications or additions to factories, manufacturing establishments or business enterprises, the operation of which would cause an increase in the pollutional load of any waters of the Commonwealth.

(j) To issue, continue in effect, revoke, modify or deny, under such conditions as the Commission may prescribe, permits for the discharge or deposit of any sewage, industrial wastes or other wastes, into any waters of the Commonwealth, and for the installation and operation of disposal systems and treatment works.

(k) To make investigations or inspections which may be deemed necessary to insure compliance with any of the provisions of this Act or with any rules, regulations or orders of the Commission, or which may be deemed necessary to enable the Commission to carry into effect the provisions of this Act.

(l) To institute or cause to be instituted in a court of competent jurisdiction, proceedings to compel compliance with the provisions of this Act or with the orders of the Commission.

(m) To enter at any reasonable time, through any Commissioner, assistant, agent or employee, in or upon any public or private property for the purpose of inspecting and investigating conditions relating to pollution or possible pollution of any waters of the Commonwealth, which inspection or investigation will not involve confidential information relating to secret processes or to the economics of operation.

(n) To examine any records or memoranda relating to the operation of any disposal system or treatment works which

examination does not involve confidential information relating to secret processes or to the economics of operation.

(o) To take all action necessary or appropriate to secure to the Commonwealth the benefits of the Federal Water Pollution Control Act (Public Law 845, 80th Congress; 62 Stat. 1155).

(p) To perform such other and further acts as may be necessary, proper or desirable in order to carry out effectively the duties and responsibilities of the Commission herein prescribed.

Section 6. STATE WATER POLLUTION AGENCY. The Water Pollution Control Commission hereby designated as water pollution agency for this State for all purposes of the Water Pollution Control Act, Public Law 845, 80th Congress (62 Stat. 1155) approved June 30, 1948, hereinafter called the Federal Act, is hereby authorized to take all action necessary or appropriate to secure to this State the benefits of that Act. In carrying out the purposes of this section, the Commission, in addition to any other action which may be necessary or appropriate, is authorized:

(a) To cooperate with the Surgeon General of the U. S. Public Health Service and other agencies of the Federal Government, other states, interstate agencies and other interested parties in all matters relating to water pollution, including the development of programs for eliminating or reducing pollution and improving the sanitary condition of waters.

(b) On behalf of this State to apply for and receive funds made available to the Commission under the aforesaid Federal Act by any agency of the Federal Government: Provided, that all moneys received from any Federal agency as herein provided shall be paid into the State treasury and shall be expended, under the direction of the Commission, solely for the purpose or purposes for which the grant or grants shall have been made.

(c) To approve projects for which application for loans or grants under the Federal Act is made by any municipality (including any city, town, district or other public body created by or pursuant to the laws of this State and having jurisdiction over disposal of sewage, industrial wastes or other wastes) or agency of this State or by an interstate agency.

(d) To participate through its authorized representatives in proceedings under the Federal Act to recommend measures for abatement of water pollution originating in this State; to give consent on behalf of this State to requests by the Federal Security Administrator to the Attorney General of the United States for the bringing of suit for abatement of such pollution; and to consent to the joinder as a defendant in such suit of any person who is alleged to be discharging matter contributing to the pollution, abatement of which is sought in such suit.

Section 7. GENERAL PROHIBITION AGAINST POLLUTION AND AGAINST OTHER ACTS.

(a) It shall be unlawful for any person, directly or indirectly, to throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or to cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any sewage, industrial wastes or other wastes that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards of water quality adopted by the Commission or in contravention of any of the rules, regulations or orders of the Commission or in contravention of any of the provisions of this Act.

(b) No new outlet through which sewage, industrial wastes, or other wastes are or may be thrown, drained, run or otherwise discharged into the waters of the Commonwealth shall be made or constructed by any person or persons after the effective date of this Act without first obtaining a permit to construct and use such outlet issued by the Commission pursuant to rules and regulations to be prescribed by it.

(c) It shall be unlawful for any person to construct or install a disposal system, to make any change in, addition to or extension of any existing disposal system, or to operate any such new or existing system so changed, added to, or extended without first obtaining from the Commission approval of the plans and specifications therefor and a written permit for its construction and operation.

(d) No extension, modification or addition to any establishment located within the Commonwealth, the operation of which might cause or tend to cause a substantial increase in the discharge of industrial wastes or other wastes into the waters

of the Commonwealth shall be constructed without first obtaining from the Commission approval of the plans and specifications therefor and a written permit for its construction and operation.

(e) It shall be unlawful for any person who, at the time that this Act becomes effective, is discharging or permitting to be discharged into the waters of the Commonwealth any sewage, industrial wastes or other wastes to continue or to permit the continuance of such discharge from and after the expiration of a period of twelve (12) months after the effective date of this Act without first obtaining a permit therefor issued by the Commission pursuant to rules and regulations to be prescribed by it.

Section 8. HEARINGS. (a) Public hearings shall be conducted by the Commission prior to the adoption of any rules or regulations of general applicability which pertain to the prevention, abatement or control of water pollution, including the establishment of standards of water quality, or before the issuance by the Commission of any order prohibiting the performance by any person of any act or acts deemed to be in contravention of any rules, regulations, permits or orders of the Commission or in contravention of any provisions of this Act, or before the denial, revocation or modification of any permit provided for by this Act or before any other final determination is made by the Commission which directly affects the activities of any person or group.

(b) The Commission shall grant a hearing to any person not previously heard in connection with the issuance of any order or the making of any determination who may consider himself aggrieved by such order or determination and who shall file with the Commission a verified petition alleging that such order or determination is contrary to law or fact and is injurious to him, alleging the grounds and reasons therefor, and requesting a hearing thereon. At such hearing the petitioner may appear in person or by attorney may present witnesses and may submit evidence and shall be given full opportunity to be heard upon the grounds and reasons for his complaint.

(c) The hearings herein provided for may be conducted by the Commission at a regular or special meeting thereof,

or by any member or members designated by the Commission and authorized by it to conduct any such hearing in the name of the Commission at any time or place to be specified by it.

(d) At any such hearing any member of the Commission may administer oaths, examine witnesses and issue in the name of the Commission notices of hearings and subpoenas requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearing.

(e) In the event of a refusal of any persons to obey a notice of hearing or a subpoena issued hereunder, the Circuit Court of the county in which the hearing is being held shall, upon application of the Commission, or of any member thereof, issue an order requiring such person to appear and testify or produce such evidence as the case may require and failure to obey such order of the court may be punished by said court as a contempt thereof.

(f) All orders or determinations of the Commission shall be subject to review by a court of competent jurisdiction.

Section 9. VIOLATIONS, PENALTIES. (a) Any person who violates any of the provisions of this Act or who fails to perform any duties imposed by this Act, or who violates any determination or order of the Commission promulgated pursuant to this Act shall be liable to a civil penalty of not to exceed the sum of One Thousand Dollars ($1,000.00) for said violation, and an additional civil penalty of not to exceed One Thousand Dollars ($1,000.00) for each day during which such violation continues, and in addition, may be enjoined from continuing such violation as hereinafter provided. Such penalties shall be recoverable in an action brought in the name of the Commonwealth of Kentucky by the Attorney General.

(b) It shall be the duty of the Attorney General, upon the request of the Commission, to bring an action for the recovery of the penalties hereinabove provided for, and to bring an action for an injunction against any person violating or threatening to violate any provision of this Act or violating or threatening to violate any order or determination of the Commission promulgated pursuant to this Act. In any such action any finding of the Commission shall be prima facie evidence of the fact or facts found therein.

(c) Any person who shall willfully violate any of the provisions of this Act or any determination or order of the Commission promulgated pursuant to this Act which has become final shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ONE Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment for a term of not more than one (1) year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

Section 10. CONFLICTING LAWS. This Act shall not be construed as repealing any of the laws of the Commonwealth relating to the pollution of the waters thereof or any conservation laws, but shall be held and construed as ancillary and supplementary thereto, except to the extent that the same may be in direct conflict herewith.

Section 11. SEVERABILITY. If any provision of this Act, or its application to any person or circumstances, is held to be invalid such invalidity shall not affect any other provision or application hereof which can be given effect without the invalid application or provision and the provisions of this Act are declared to be severable.

By Mr. Head.

H. B. No. 272. AN ACT to regulate practical nursing including provision for licensing the practice of practical nurses and for the approval of schools of practical nursing.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonmonwealth of Kentucky:

Section 1. DEFINITIONS.

a. "*A practical nurse*" is a person who performs such nursing service as prescribed by a licensed physician, requiring a knowledge of simple nursing procedures but not requiring the professional knowledge and skills required for professional nursing. This Act shall not affect or apply to nursing of the sick, either gratuitously or for compensation by a member of the

family, or to a person nursing the sick who does not in any way assume or hold himself out to be a Licensed Practical Nurse.

b. *"Board"* means the State Board of Examiners of Trained Nurses, or a board which would succeed to its function.

Section 2. PRACTICAL NURSE

Qualification of applicant for license as practical nurse. An applicant for a license to practice as a licensed practical nurse shall submit to the board satisfactory evidence that the applicant is at least eighteen (18) years of age, is a citizen of the U.S., or has legally declared intention of becoming a citizen of the U.S., is of good moral character, is of good physical and mental health, has completed at least one year of high school or its equivalent, and such other preliminary qualification requirements as the board may prescribe; and has successfully completed the prescribed curriculum in a School of Practical Nursing which school is approved by the board and holds a diploma or certificate therefrom, or presents such other qualifications as shall be deemed acceptable by the board. For a period of two (2) years after the effective date of this act, applicant shall be eligible to apply for a license as a licensed practical nurse without meeting the above qualifications, provided; that he shall satisfy the board, that he is qualified to practice practical nursing.

Section 3.

Board to hold Examination. The board shall meet for the purpose of conducting examinations at least once a year, at a time and place determined by the board. Notices of such examinations shall be published in two newspapers in general circulation. Notices shall be sent by mail to every applicant after applications are received, and to every approved school of Practical Nursing in this State at least thirty days before the meeting.

Section 4.

Assistant Board of Practical Nurse Examiners. After the first licensing period, the board shall appoint an assistant Board of Practical Nurse Examiners to assist the board in carrying out

the purpose of this Act. The assistant Board of Practical Nurse Examiners shall consist of three Licensed Practical Nurses who have been selected by the board from a list of three names submitted by the Kentucky State Association of Practical Nurses for each appointment. The term of each applicant shall be for a period of three years each, providing, however, for the first appointment, one shall be for a period of three years, one for two years, and one for one year.

Section 5.

a. *License by examination.* The applicant shall be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination the board shall issue to the applicant a license to practice as a licensed practical nurse.

b. *Without examination.* The Board may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered as a licensed practical nurse or a person entitled to perform similar services under a different title, under the laws of another state, territory or foreign country if, in the opinion of the board, the applicant meets the requirements for a licensed practical nurse in this State.

Section 6.

a. *Board to sign certificate.* Every license issued by the board shall be signed and have the seal of the board affixed. A licensee shall be prepared to exhibit his license or a certified copy of it whenever required.

b. *Fee.* The applicant applying for a license to practice as a licensed practical nurse shall pay a fee of $5.00 to the board. All fees received by the board and collected under this Act shall be deposited with the State Treasurer of the Commonwealth of Kentucky, who shall place the money to the credit of the Revolving Fund of the board. The fund shall be held subject to the order of the board, and to be used for meeting necessary expenses incurred in the performance of the purpose of this Act and the duties imposed thereby as well as the pro-

motion of practical nursing education and standards of practical nursing care in the State.

Section 7.

Title and abbreviation. Any person who holds a license to practice as a licensed practical nurse in this State shall have the right to use the title "Licensed Practical Nurse" and abbreviation "L.P.N." No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a licensed practical nurse.

Section 8. RENEWAL OF LICENSE: LAPSE

a. The license of every person licensed under the provisions of this Act shall be annually renewed except as hereinafter provided. At least six weeks before the renewal date the board shall mail an application for renewal to every person to whom a license was issued during the current year. The applicant shall fill in the application form and return it to the board with the renewal fee of $2.00 before the expiration date of his current license. Upon receipt of the application and fee the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the ensuing year. Such certificate of renewal shall render the holder a legal practitioner of nursing for the period stated on the certificate of renewal. The board shall prescribe by regulation the beginning and ending of the license year.

b. Any licensee who allows his license to lapse by failing to renew the license as provided for above may be reinstated at the discretion of the board and the payment of fees in arrears.

Section 9. SCHOOLS OF PRACTICAL NURSING

Approval: Survey of. An institution desiring to conduct a school of practical nursing shall apply to the board and submit evidence that it is prepared to carry out the prescribed basic curriculum in practical nursing, and that it is prepared to fulfill other requirements of standards which are established by this law or by regulations of the board.

A survey of the institution applying for a School of Practical Nursing shall be made by an authorized employee of the

board who shall submit a written report to the board. If, in the opinion of the board, the requirements for a school are met, the board shall approve the school as a School of Practical Nursing. No person shall operate a School of Practical Nursing without complying with the provisions of this section.

From time to time as deemed necessary by the board, it shall be the duty of the board, to survey all schools of Practical Nursing in the State. If the board determines that any school is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved schools of Practical Nursing.

Section 10. DISCIPLINARY PROCEEDINGS

Grounds for Discipline. The board shall have power to deny, revoke or suspend any license to practice practical nursing issued by the board or applied for in accordance with the provisions of this Act, or to otherwise discipline a licensee upon proof that the person is: Guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; guilty of a crime or gross immorality; unfit or incompetent by reason of negligence, habits or other causes; habitually intemperate or addicted to the use of habitforming drugs; mentally incompetent; guilty of unprofessional conduct or has wilfully or repeatedly violated any of the provisions of this Act.

Section 11.

Suspension: denial: revocation proceedings: Practical nurse of: In all proceedings for suspension or revocation the licensee shall be furnished with a copy of the charges and shall be given at least thirty days to prepare defense. The person charged shall be heard by the board in person or by counsel or both, as may be desired. The presiding officer of the board may administer the oath in any matter arising in the course of the duties. In the hearing the board may take oral or written proof for or against the aggrieved person.

Section 12. VIOLATION OF ACT, PENALTIES

(1) Any person who violates any provision of this chapter for which no other penalty has been provided shall be fined not less than five dollars nor more than fifteen dollars. Each day he violates any provision of this chapter shall be considered a separate offense.

(2) Any person who wilfully makes any false representation to the board in applying for a license shall be fined not more than five hundred dollars.

Section 13. EFFECTIVE DATE

This Act shall take effect July 1, 1950.

H. B. No. 273. AN ACT relating to professional nursing, including provision for licensing and regulation of the practice of professional nursing and the approval of schools of professional nursing.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. DEFINITIONS AND APPLICATION.

(1) *"Purpose."* The purpose of this Act is to regulate the examination, licensing and practice of graduates of approved schools of professional nursing.

(2) As used in this act

(a) *"Board"* means the Board of Nursing Education and Nurse Registration.

(b) *"Practice of professional nursing"* means the practice of nursing by a person who for compensation or personal profit performs any nursing service requiring the application of principles of the biological, physical or social sciences and nursing skills in the care of the sick, in the prevention of disease or in the conservation of health.

Section 2. STATE BOARD OF NURSING EDUCATION AND NURSE REGISTRATION

a. *Appointment.* The Governor shall appoint a Board of Nursing Education and Nurse Registration consisting of seven

members: Provided, however, that the present *State Board of Examiners of Trained Nurses* shall serve as the board under this act until the expiration of the terms of office of the present members or until their successors have been appointed and qualified under this act. At least two months prior to the expiration of the term of office of each member of the State Board of Examiners of Trained Nurses, the *Kentucky State Association of Registered Nurses* shall submit to the governor a list of fourteen members qualified to serve on the Board of Nursing Education and Nurse Registration. Appointments shall be made from this list as follows: one appointment for one year, two appointments for two years, two appointments for three years and two appointments for four years. Upon the expiration of each of these terms of office each subsequent appointment shall be for a term of four years. At least three months before the expiration of the term of any member of the board, thereafter, the *Kentucky State Association of Registered Nurses* shall submit to the governor a list of members qualified for appointment, in number not less than twice the number of appointments to be made from which list the Governor shall make each appointment or appointments as necessary. When one or more approved schools of practical nursing are located within the State of Kentucky, at least one appointment to the board shall be a qualified registered nurse who is a faculty member of an approved school of practical nursing.

b. *Vacancy.* A vacancy on the board shall be filled by the Governor from the list of names submitted under Sec. 2(a).

c. *Removal from office.* The Governor may remove any member from the board for neglect of duty, incompetency, or unprofessional or dishonorable conduct.

Section 3.

a. *Qualifications of members.* Each member of the board shall (1) be a citizen of the United States, a resident of Kentucky, a graduate of an accredited school of nursing, a registered nurse in the state, and have completed at least two years of study in an approved college or university in courses which may be applied on a degree in nursing education; (2) have had at least five years successful experience in any one or combinations of the following fields: Administration in schools of nursing

teaching in schools of nursing, supervision in schools of nursing, or a faculty member in a public health nursing agency affiliated with a school of nursing, three years of which experience shall immediately precede the appointment or reappointment; (3) be a member of the Kentucky State Association of Registered Nurses and a member of the State League of Nursing Education.

Section 4.

(a) *Duties and Powers.* The board shall meet annually in Frankfort within thirty days after each annual appointment or appointments and shall elect from its members a president and a secretary-treasurer. It shall hold such other meetings during the year as may be deemed necessary to transact business. A majority of the board including one officer shall constitute a quorum at any meeting. The board is authorized to adopt and, from time to time, revise such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this Act. The board shall prescribe curricula and standards for schools of nursing and courses preparing persons for licensure under this Act. It shall provide for surveys of such schools and courses at such time as may be necessary, approve such schools and courses as meet the requirements of this Act and of the board, evaluate and approve courses for affiliation, and examine, license and renew the license of duly qualified applicants; it shall conduct hearings upon charges calling for discipline of a licensee or denial or suspension or revocation of a license, have powers to issue subpoenas, and compel the attendance of witnesses, administer oaths to persons giving testimony at hearings, and cause the prosecution of all persons violating this Act. It shall keep a record of all its proceedings and make an annual report to the governor.

The board shall employ a qualified person to serve as executive secretary to the board, and shall fix his compensation and define his duties. It may employ such other persons as may be necessary to carry on the work of the board.

The executive secretary shall meet at least the qualifications for board members and shall have had at least two years of experience in nursing school administration immediately preceding the time of his appointment.

b. *Compensation.* Each member of the board shall receive, in addition to necessary traveling, hotel and other necessary expenses, $10.00 per day for each day he is actually engaged in the discharge of his official duties. Employees of the board shall be reimbursed for necessary traveling, hotel or other necessary expenses incurred in the discharge of their duties.

Section 5. REGISTERED NURSE

a. *Qualifications of applicant.* An applicant for a license to practice as a registered nurse shall file with the board a written application for a license and submit evidence, verified by oath, that the applicant is of good moral character; is in good physical and mental health; has completed at least an approved four year high school course of study or the equivalent thereof as determined by an appropriate educational agency; and has completed the basic professional curriculum in an approved school of professional nursing and holds a diploma therefrom.

b. *License by examination.* An applicant shall be required to pass a written examination in such subjects as the board may prescribe. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination, the board shall issue to the applicant a license to practice nursing as a registered nurse.

c. *License without examination.* The board may issue a license to practice nursing as a registered nurse without examination, to an applicant who has been duly licensed as a registered nurse under the laws of another state, territory or foreign country, if in the opinion of the board the applicant is qualified to practice professional nursing in this state.

d. *Temporary license.* The board, at its discretion may issue a temporary license to nurses who are licensed in and citizens of other countries: provided such license shall be issued for a period not to exceed one year.

e. *Fee.* An applicant for a license to practice as a registered nurse shall pay a fee of $15.00 to the board.

f. *Title and abbreviation.* Any person who holds a license to practice as a registered nurse in this state shall have the right to use the title "Registered Nurse" and the abbreviation "R.N."

No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a registered nurse. No person shall practice professional nursing unless licensed under this Act or excepted under the provisions of Section 10.

g. *Nurses Registered under a Previous Law.* Any person holding, on July 1, 1950, a valid license or certificate of registration to practice nursing as a registered nurse issued under the prior law shall thereafter be deemed to be licensed as a registered nurse under the provisions of this Act.

Section 6. RENEWAL OF LICENSE

a. The license of every person licensed under the provisions of this Act shall be annually renewed except as hereinafter provided. At least six weeks before the renewal date the board shall mail an application for renewal to every person to whom a license was issued during the current year. The applicant shall fill in the application form and return it to the board with the renewal fee of $2.00 before the expiration date of his current license. Upon receipt of the application and fee the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the ensuing year. Such certificate of renewal shall render the holder a legal practitioner of nursing for the period stated on the certificate of renewal. The board shall prescribe by regulation the beginning and ending of the license year.

b. *Lapsed License.* Any licensee who allows his license to lapse by failing to renew the license as provided above may be reinstated by the board on satisfactory explanation for such failure to renew the license and on payment of current renewal fee.

Any person practicing nursing during the time the license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this Act.

Section 7. DISPOSITION OF FUNDS

All fees received by the board collected under this Act shall be deposited at the end of each month, with the State Treasurer of the Commonwealth of Kentucky, who shall place the money

to the credit of the Board of Nursing Education and Nurse Registration Revolving Fund.

This fund shall be held subject to the order of the board to be used only for the purpose of meeting necessary expenses incurred in the performance of the provisions of this Act, and the duties imposed thereby as well as the promotion of nursing education and standards of nursing care in this state, through surveys, institutes, conferences or such other means as may result in improving nursing service in this state.

All funds which may have accumulated to the credit of the board under the Act which is now repealed shall be continued for use by the Board of Nursing Education and Nurse Registration in the administration of this Act.

Section 8. SCHOOLS OF NURSING

a. *Application for approval.* An institution desiring to conduct a school of professional nursing shall apply to the board and submit evidence that it is prepared to carry out the prescribed basic curriculum in professional nursing and that it is prepared to fulfil other requirements of standards which are established by this law or by regulations of the board. Schools now approved shall continue under this Act. No person shall operate a school of professional nursing without complying with the provisions of this section.

b. *Survey.* A survey of the institution or institutions with which the school is to be affiliated shall be made by the executive secretary or other authorized employee of the board, who shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements for an approved school of nursing are met, it shall approve the school.

Periodic surveys of all schools of nursing shall be made under the supervision of the board. Written reports of such surveys shall be submitted to the board. If the board determines that any approved school of nursing is not maintaining the standard required by the statutes and by the board notice thereof in writing specifying their deficiencies shall be immediately given to the school. A school which fails to correct these con-

ditions to the satisfaction of the board within a reasonable time shall be discontinued after hearing.

Section 9. DISCIPLINARY PROCEEDINGS

a. *Grounds for discipline.* The Board shall have power to deny, revoke or suspend any license to practice nursing issued by the board or applied for in accordance with the provisions of this Act, or to otherwise discipline a licensee upon proof that the person is: guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; guilty of a crime or gross immorality; unfit or incompetent by reason of negligence, habits or other causes; habitually intemperate or addicted to the use of habitforming drugs; mentally incompetent; guilty of unprofessional conduct or has wilfully or repeatedly violated any of the provisions of this Act.

A revoked or suspended licensee may be relicensed after one year, at the discretion of the board.

Section 10. EXCEPTIONS

No provision of this law shall be construed as prohibiting gratuitous nursing by friends or members of the family or as prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice professional nursing within the meaning of this Act, or as prohibiting nursing assistance in the case of an emergency; nor shall it be construed as prohibiting the practice of nursing by students enrolled in approved schools of professional nursing; nor by graduates of such schools pending the results of the first licensing examination scheduled by the board following such graduation; nor shall it be construed as prohibiting the practice of nursing in this state by any legally qualified nurse of another state whose engagement requires him to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, provided such person does not represent or hold himself out as a nurse licensed to practice in this state; nor shall it be construed as prohibiting the practice of any legally qualified nurse of another state who is employed by the United States

Government or any bureau, division or agency thereof, while in the discharge of his official duties; nor shall it be construed to apply to any Christian Science Nurse. The provision of this Act shall not prevent the practice of nursing by a person who is not a graduate of an approved school of professional nursing so long as that person is practicing under the direct supervision and control of a licensed physician, or a well recognized hospital or clinic.

Section 11. VIOLATION OF ACT, PENALTIES

(1) Any person who violates any provision of this chapter for which no other penalty has been provided shall be fined not less than five dollars nor more than fifteen dollars. Each day he violates any provision of this chapter shall be considered a separate offense.

(2) Any person who wilfully makes any false representation to the Board in applying for a license shall be fined not more than five hundred dollars.

Section 12. REPEAL OF CHAPTER 314.

Chapter 314 of the Kentucky Statutes is hereby repealed.

Section 13. EFFECTIVE DATE

This Act shall take effect July 1, 1950.

By Mr. Jonas.

H. B. No. 274. AN ACT relating to the powers of counties with respect to regulation of the construction, reconstruction, relocation, remodeling, repair and maintenance of buildings in unincorporated territory within the county.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The fiscal court of any county shall have authority, by order or resolution, to adopt, and modify or amend from time

to time, and to enforce, regulations governing the construction, reconstruction, remodeling, repair and maintenance of buildings, other than buildings for agricultural purposes located upon premises that are used solely for agricultural purposes.

By Mr. Baer.

H. B. No. 275. AN ACT relating to the establishment of a Reception and Treatment Center for mental patients at Central State Hospital at Lakeland, Kentucky, and making an appropriation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, unless the context requires otherwise:

(1) "Center" means the Reception and Treatment Center at Central State Hospital at Lakeland, Kentucky.

(2) "Hospital" means the Central State Hospital at Lakeland, Kentucky.

Sec. 2. There is hereby established at Central State Hospital a Reception and Treatment Center for the diagnosis and treatment of mental diseases and disorders. The Center shall be limited to one hundred beds with such other space as is necessary. Any suitable available space at the Hospital shall be utilized by the Center until such time as a building to house the Center shall be constructed. The Center shall be under the control and administration of an accredited medical school within the Commonwealth until July 1, 1954, at which time full control and administration shall be assumed by the Hospital. However, if the medical school in question deems it prudent and desirable, it may relinquish the control and administration of the Center on July 1, 1952, and the Hospital shall take over.

Sec. 3. The Center shall accept patients only from among those patients who have been admitted, either voluntarily or under court order, to Central, Eastern, Western and Kentucky State Hospitals. No criminally insane patient shall be accepted.

Sec. 4. Such personnel, equipment, supplies and facilities as are necessary to meet the standard of the American Medical Association and the American Psychiatric Association for accreditation shall be assembled and maintained by the Center. A full time Clinical Director shall be employed. He shall be a well-qualified psychiatrist, a deplomate of the American Board of Psychiatry and Neurology and capable of teaching in those fields concerning the diagnosis and treatment of mental diseases and disorders. Provided that funds are available, the Clinical Director may employ such other personnel as he deems necessary. Any necessary equipment available at the Hospital for full-time use by the Center shall be used by the Center. All other necessary equipment and supplies shall be purchased.

Sec. 5. To accomplish the purposes of this Act there is hereby appropriated out of the General Expenditure Fund in the State Treasury for the fiscal year 1950-1951 the sum of $400,000. Any part of this appropriation remaining unspent at the end of the fiscal year shall be available for use during the fiscal year of 1951-1952.

By Messrs. Hale, Hayes and Holbrook.

H. B. No. 276. AN ACT relating to the sale of malt beverages.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Any local club or organization affiliated with a nationally chartered or recognized organization or fraternal order which maintains a club house or club room, the admission to which is restricted to members and their guests, may receive for the purpose of sale and sell malt beverages within the premises of such club house or club room and malt beverages may be sold to such club or organization and delivered to its premises, the provisions of Chapter 242 of the Kentucky Revised Statutes to the contrary notwithstanding. Nothing in this Act shall be construed as exempting any club or organization operating there-

under from the license requirement provisions of Chapter 243 of the Kentucky Revised Statutes.

Sec. 2. No malt beverages shall be bought or sold except for consumption on the premises of such club house or club room. Any person violating this section shall be fined not less than ten dollars nor more than one hundred dollars.

By Mr. Polsgrove.

H. B. No. 277. AN ACT relating to the salary of teachers of handicapped children.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each school district shall pay its teachers according to a salary schedule based on training, quality of service, experience, and such other items as the State Board of Education approves. A copy of the salary schedule prepared by each district board shall be filed with the State Board of Education. In case a district board is not able to pay all of its teachers the minimum salary provided in this section, the State Board of Education may approve a salary schedule for that board authorizing the payment of salaries below the minimum provided in this section. No teacher regularly employed in the public schools shall receive a salary of less than seventy-five dollars per month if the revenue received by the district from the state per capita plus one-half of the revenue received from local taxation will produce sufficient revenue to pay such salary for a period of seven months to elementary teachers and a period of eight months to high school teachers, allowing one teacher for each forty census pupils in the district.

(2) The salary of any teacher of handicapped children, other than children who are totally blind or totally deaf, shall be

fixed at a sum of not less than fifty dollars per month in excess of the sum the teacher would otherwise receive under the approved salary schedule.

By Mrs. Stovall.

H. B. No. 278. AN ACT relating to school taxes, by whom levied; amount of levy; when levy to be made; property subject to levy; furnishing of assessment valuation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 160.460 of the Kentucky Revised Statutes is hereby amended, repealed, and reenacted so as, when amended and reenacted, it shall read as follows:

(1) All school taxes shall be levied by the fiscal court of each county except in independent school districts embraced by cities of the first four classes. In such districts the tax shall be levied by the governing body of the city. The tax levying authority shall levy such ad valorem tax and such poll tax as specified by the district board of education within the limits prescribed in KRS 160.475, which will obtain for the school district the amount of money needed as shown in such district's general school budget submitted under the provisions of KRS 160.470.

(2) The tax levying authority shall make an annual school levy not later than July 1. The school levy shall not be made until the general school budget has been received by the tax levying authority. The failure of the authority to make the levy by the date prescribed shall not invalidate any levy made thereafter.

(3) All school taxes shall be levied on all property subject to local taxation in the jurisdiction of the tax levying authority. If the school levy is to be made upon the city assessment as authorized in subsection (1), the clerk of such city shall furnish to the school district or districts which the city embraces, the

assessed valuation of property subject to local taxation in the school district, as determined by its tax assessor. If the school levy is to be made upon the county assessment the county clerk shall furnish to the proper school district or districts the assessed valuation of property subject to local taxation in such district or districts, as certified by the Kentucky Tax Commission.

By Mr. Hayes.

H. B. No. 279. AN ACT relating to revenue and taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 132.330 of the Kentucky Revised Statutes is amended to read as follows:

The Commissioner of Revenue shall cause to be listed for taxation all property omitted by the county tax commissioners, board of supervisors, Kentucky Tax Commission acting as a board of valuation and assessment, or any other assessing authority for any year omitted. The Commissioner of Revenue shall cause to be filed in the office of the county clerk of the county in which the property may be liable to assessment a statement containing a description and value of the property or corporate franchise proposed to be assessed, the name and place of residence of the owner, his agent or attorney, or person in possession of the property, if known, and the year the property was unassessed. The county clerk shall thereupon issue a summons against the owner, or person in possession of the property if the owner is unknown, to show cause before the next regular term of the county court that does not commence within five days after the service of the summons, why the property or corporate franchise shall not be assessed at the value named in the statement filed. No judgment shall be rendered against the alleged owner unless the statement filed contains a description of the property sought to be assessed that will enable the court to identify it. The summons shall be executed by the sheriff by delivering a copy thereof to the owner, or if he is not in the county to his agent,

attorney or person in possession of the property. If the property is real property, and the owner is known but is absent from state and has no attorney or agent in this state and no one is in possession of the property, the summons shall be served by posting it in a conspicuous place upon the property; if the property consists of tangible personal property, the summons shall be placed in a conspicuous place where the property is located. In the case of tangible and intangible personal property, where the owner and his place of residence are unknown and no one has possession of the property, an action for assessment shall be instituted by filing the petition above mentioned and procuring constructive service against the owner under the provisions of 58, 59 and 60 of the Civil Code. In all of the above cases an attachment of the property omitted from assessment may be procured against the owner, at the time of the institution of the action or thereafter, and without the execution of a bond by the Commonwealth or its relator, by the representative of the Department of Revenue making an affidavit that the property described in the petition is subject to state, county, school or other taxing district tax, and is unassessed for any taxable year.

Section 2. Section 132.350 of the Kentucky Revised Statutes is amended to read as follows:

The county clerk shall, upon the filing of a statement by the Commissioner of Revenue for the assessment of omitted property, enter the name of the county attorney together with any other attorney signing the statement as attorney for the state, county, school and other taxing districts for which the Commissioner of Revenue is authorized to act as relator in such proceeding. The county attorney shall appear and prosecute or assist in the prosecuting of the proceeding in all the courts to which it may be taken for trial. If there is a judgment assessing the property for taxation, the judgment in each case shall recite whether or not the county attorney was present and assisted in the trial of the proceeding. When he is present and assists in the proceeding, he shall be allowed as compensation for his services ten percent of the amount of state and county taxes assessed and collected pursuant to the judgment. The state and county shall be liable respectively for the payment only of the percentage allowance of compensation to the county attorney on the amount that

each collects, and this shall be paid to the county attorney within thirty days after the collection of the taxes, and charged against the fund to which the tax was credited.

Section 3. Section 134.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Revenue may act in the name of and in behalf of the state and in the name of and in behalf of any and all counties, school and other taxing districts in the state, except cities, to institute and prosecute any action or proceeding for the collection of delinquent taxes and the assessment of omitted property. All power and authority heretofore or now vested in anyone including revenue agents, auditor's agents, field agents, accountants, attorneys, sheriffs and other state, county or district agents or officers relating to the bringing or prosecution of actions or proceedings for the purposes contemplated by this subsection are transferred to and vested in the commissioner.

(2) Nothing contained in this chapter shall prevent the Commissioner of Revenue or the Kentucky Tax Commission from assessing any property as otherwise provided by law.

(3) The Department of Revenue may require any reports necessary to administer the law in connection with the collection of delinquent taxes, and may promulgate rules and regulations as to how the tax bills, certificates of delinquency and other forms shall be filed and recorded. The department shall require an index to be kept of all certificates of delinquency.

Section 4. Section 134.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) All penalties imposed by law, either in whole or in part, in favor of or for the benefit of the Department of Revenue, sheriffs and other state, county or district officers, upon or for the recovery of taxes or the assessment of omitted property, shall be paid into the State Treasury and credited as provided for the twenty percent penalty in subsection (2) of this section.

(2) The twenty percent penalty collected on taxes due the state, county, school or other taxing district shall be paid into the State Treasury. One-fourth of the moneys thus received shall be credited to the General Expenditure Fund. The remaining

three-fourths shall also be credited to the General Expenditure Fund unless the General Assembly, in its biennial Appropriation Act, provides that it be credited to a fund to be designated and known as the Delinquent Tax Fund, in which case it shall be so credited and so much thereof as may be necessary shall be used for the administration and enforcement of the laws relating to the collection of delinquent taxes and the assessment of omitted property.

Section 5. Section 135.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Actions in the name of the state, and in the name of any county, school or other taxing district, shall be instituted, on relation of the Commissioner of Revenue, against any delinquent state, county or district officer or any person to recover taxes or any other money due the state or any county, school or other taxing district.

(2) In all actions brought under subsection (1) of this section in which a judgment is recovered, the party in default shall, in addition to the amount found to be due the state or any county, school or other taxing district, be adjudged to pay a penalty of twenty percent on the amount due.

H. B. No. 280. AN ACT relating to revenue and taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That any state of the United States of America or any political subdivision thereof shall have the right to sue in the courts of Kentucky to recover any tax which may be owing to it when the like right is accorded to the Commonwealth of Kentucky and its political subdivisions by such state, whether such right is granted by statutory authority or as a matter of comity.

H. B. No. 281. AN ACT relating to income taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 141.120 of the Kentucky Revised Statutes is amended to read as follows:

Allocation of corporate income. (1) Interest, dividends, rent and royalties not received in connection with the transaction of the business of a corporation, and gains from the sale of property not held, owned or used in connection with its business, less any related expenses, shall be allocated to this state if received from sources within this state. If received from sources outside this state, such income shall be allocated outside this state. The balance of corporate income, hereinafter referred to as business income, shall be allocated to this state and shall be taxable as hereunder set forth. Gains or losses by domestic corporations from the sale of securities issued by foreign governments or by corporations organized under the laws thereof shall be allocated to this state.

(2) If the trade or business of the corporation is carried on entirely within this state, the tax shall be imposed on the entire business income. If the trade or business is carried on partly within and partly without this state—separate accounting shall be deemed impracticable and prohibited unless the taxpayer shows the department prior to filing that the actual amount of net income received from business in Kentucky is determinable by separate accounting—the tax shall be imposed only on the portion of the business income reasonably attributable to the trade or business within this state, to be determined as follows:

(a) Interest, dividends, rents and royalties, less related expenses, received in connection with business in this state shall be allocated to this state, and that received in connection with business outside of this state shall be allocated outside of this state.

(b) Gains, that may be included in gross income under subsection (5) of KRS 141.010 and subsection (1) of KRS 141.100, from the sale of capital assets or property held, owned or used in connection

with the trade or business of a corporation but not for sale in the regular course of business, shall be allocated to this state if the property sold is real or tangible personal property situated in this state or intangible property connected with the business in this state.

(3) Net income of the classes covered in paragraphs (a) and (b) of subsection (2) of this section having been separately allocated and deducted as provided, the remainder of the net business income of a corporation carrying on business partly within and partly without this state shall be allocated and apportioned as follows:

(a) Where income is derived from business other than the manufacture and sale of tangible personal property or the conduct of a public utility, the income shall be specifically allocated or equitably apportioned within and without this state under rules and regulations of the Department of Revenue.

(b) Where income is derived from the manufacture or sale of tangible personal property, the portion thereof attributable to business within this state shall be taken to be such percentage of the total of such income as the value of the tangible property, the payroll and business within this state bears to the value of the total tangible property, total payroll, and total business, the percentage of tangible property, of payroll, and of business, being separately determined as hereinafter provided, and the three percentages averaged.

(c) Total payroll as used in this section includes the expenditures of the corporation for wages, salaries, commissions, or other compensation to its employees, and all the payroll shall be assigned to this Commonwealth which is paid to employees chiefly situated at, connected with or sent out from premises in this Commonwealth that are used by the Corporation in connection with the transacting of business.

(d) The value of the tangible property shall be taken to be the average value of the tangible property owned by the corporation in connection with such business during the year for which the income is returned, excluding any property the income of which is not taxable or separately allocated under the foregoing provisions of this chapter.

(e) The business of the corporation shall be measured by the amount of all receipts during the year from sales and other sources connected with the business, excluding receipts from the sale of capital assets and property not sold in the regular course of business and receipts from interest, dividends, rents and royalties separately allocated as above provided. Accounts receivable from sales and other sources arising from business during the year shall be included in the formula if the corporation's return is made on the accrual basis.

(f) Receipts from sales and other sources shall be assigned only to the office, agency or place of business of the corporation at which the transactions giving rise to the receipts are chiefly negotiated.

(4) If a corporation does not have all of the factors present in its total business operations, an average of the factors present shall be used in determining the percentage of the business done in Kentucky.

(5) For the purpose of this section "sale" shall include exchange, and "manufacture" shall include the extraction and recovery of natural resources and all processes of fabricating and curing.

(6) Where business income is derived from the conduct of a public utility, the portion thereof attributable to business within this state shall be taken to be such percentage of the total of such income as the value of the tangible property, the payroll, and business within this state bears to the value of the total tangible property, total payroll and total business, the per-

centage of tangible property and of business being separately determined as hereinafter provided and the percentage of payroll being determined as provided in subsection (c) of section 3 herein and the three percentages averaged.

(a) For the purpose of the foregoing computation, the value of the tangible property shall be taken to be the average value of the tangible property held and owned by the corporation in connection with such business during the year for which the income is returned, excluding any property the income of which is not taxable or is separately allocated under the foregoing provisions of this chapter.

(b) In determining the tangible property located within this state of a railroad company operating both within and without this state, the valuation of car rolling stock and equipment and locomotive rolling stock and equipment within this state shall be found by applying to the total valuation of the entire rolling stock and equipment of each respective class belonging to the company that proportion which the car mileage within this state during the income year bears to the total car mileage of the company's cars, and which the locomotive mileage within this state during the income years bears to the total locomotive mileage of the company's locomotives, used in the conduct of its business both within and without this state for that year.

(c) The business of the public utility shall be measured by the amount of receipts from the carrying on of the business. Receipts in this state shall include, in addition to all receipts from business commencing and terminating within this state, such portion of receipts from all interstate business passing through or into or out of this state as is determined by applying to gross receipts from all business of transportation and communication enterprises that percentage which the mileage within this state over which such business was carried bears to the entire mileage over which it was carried. Accounts re-

ceivable from services rendered and other sources arising from business during the year shall be included in the formula if the corporation's return is made on the accrual basis.

(d) The department shall prescribe methods of allocating receipts of other utilities.

(e) If the public utility keeps its records of operating revenues and operating expenses on a state basis in accordance with the standard classification of accounts prescribed by the Federal Communication Commission or the Interstate Commerce Commission, and in a manner to include in net income for this state the effect of all intrastate and interstate business applicable to this state, those records may be used by the taxpayer in reporting the net taxable income within this state.

(7) In the event that the formula for allocating income prescribed herein as applied in a particular case, reaches an unconstitutional result, or the department determines that said formula as applied in a particular case fails to allocate to Kentucky a fair and reasonable portion of the business income, the department shall prescribe a formula which allocates to Kentucky a fair and reasonable portion of the business income.

Section 2. This Act shall be effective for taxable years commencing on or after January 1, 1950.

H. B. No. 282. AN ACT relating to Court rules governing the practice of law and the State Bar, amending Section 30.170 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 30.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Court of Appeals shall adopt and promulgate rules:

(a) Defining the practice of law;

(b) Prescribing a code of ethics governing the professional conduct of attorneys and the practice of law;

(c) Establishing practice and procedure for disciplining, suspending and disbarring attorneys;

(d) Organizing and governing a Bar Association of the attorneys of the state to act as an administrative agency of the Court of Appeals for the purpose of enforcing such rules as are adopted and promulgated by the court under this section; providing for the government of the State Bar as a part of the judicial department of the state government, and for such divisions thereof as the Court of Appeals determines; requiring all persons practicing law in this state to be members in good standing of the State Bar; and fixing the form of its organization and operation;

(e) Fixing fees, not exceeding five dollars per year, to be paid for the purpose of administering this Section and the rules adopted and promulgated under it, and for the collection and disbursement of such fees.

(2) The rules of court adopted and promulgated under this section shall supersede all laws or parts of laws in conflict therewith, to the extent of the conflict.

(3) No rule adopted and promulgated under this section shall prevent a person not holding himself out as a practicing attorney from writing a deed, mortgage or will, or prevent a person from drawing any instrument to which he is a party.

By Mr. Hale.

H. B. No. 283. AN ACT relating to the collection of school taxes, amending Section 160.500 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.500 of the Kentucky Revised Statutes is amended to read as follows:

(1) School taxes shall be collected by the regular tax collectors for the tax levying authorities that make the school levies for the various school districts, at the same time and in the same manner as other local taxes are collected, except as provided in this section and in KRS 160.510. The bond of the regular tax collector shall be made to cover his duties as the tax collector of the school district or districts for which he collects taxes. In no event may the fee for the collection of any school taxes exceed a rate of two percent, and in no event may any fee be charged for collecting or receiving any school taxes or school funds other than those received from the local school levy. No allowance shall be made for the collection of school taxes to any collecting officer who continues to collect taxes after his term that would not be allowed him had he collected the taxes during his term.

(2) An independent school district may select a special tax collector to collect its school taxes. The special tax collector shall be required to execute bond in the same manner as provided in KRS 160.560 for the execution of a treasurer's bond, and the penal sum of the bond shall be not less than the aggregate of the tax bills that come into the hands of the special tax collector.

(3) The clerk shall include all school taxes on the regular tax bills furnished the tax collector except in case an independent district has selected a special tax collector, in which case the school taxes shall be listed by the clerk on a separate bill. The clerk shall be allowed a fee not to exceed three cents for each separate school tax bill, to be paid by the independent district board of education.

By Mr. Hayes.

H. B. No. 284. AN ACT relating to revenue and taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 132.530 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county tax commissioner shall prepare the property tax rolls in legible form, according to taxing districts therein. He shall make additions to each column, to show the aggregate amount, value and number of each column in the tax rolls, and prove the accuracy before he returns the same.

(2) Personal property of every kind shall be separately stated and valued in the appropriate column of the tax roll, and if there is no appropriate column it shall be valued and stated in the column headed "Miscellany."

Section 2. Section 136.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The individual stockholders of a corporation shall not be required to list their shares for ad valorem taxation so long as the corporation pays taxes to the State of Kentucky on at least seventy-five percent of its total property, wherever located, provided, however, that bonds and obligations of the United States of America and its possessions and bonds and obligations of the State of Kentucky, its instrumentalities and its political subdivisions and their instrumentalities shall not be considered in the computation of the total property of the corporation, wherever located, nor in the computation of the amount of property upon which the corporation pays ad valorem taxes to the State of Kentucky. In order to obtain this exemption the stockholder must furnish satisfactory proof to the Department of Revenue that at least seventy-five percent of the total property of the corporation as herein above specified is taxed in the State of Kentucky.

(2) Every corporation organized under the laws of this state, or doing business in this state, whose stock is liable to assessment and taxation under subsection (1) of this section, except banks, trust companies, or combined banks and trust companies doing business in this state and domestic life insurance companies, shall by February 1 of each year make a true and correct report to the Department of Revenue, verified by its president, secretary, treasurer or other chief officer, giving the names and addresses of residents of this state who hold its shares of stock and outstanding bonds as of January 1 previous thereto,

and also the transfer of any of its stocks or bonds by residents of this state to nonresidents within thirty days previous to January 1.

H. B. No. 285. AN ACT relating to revenue and taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 131.185 of the Kentucky Revised Statutes is amended to read as follows:

Income tax returns shall be kept for seven years; primary accounting records of tax payments, seven years; and records containing all data of motor vehicle registration, seven years. Records of the department which are not required by this section or other statutory provisions to be preserved for a fixed period may be kept or disposed of according to the discretion of the department.

H. B. No. 286. AN ACT relating to the defining of theaters for licensing purposes and the licensing of same.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (2) (c) of Section 137.010 of the Kentucky Revised Statutes is amended to read as follows:

"Theater" means any building in which moving pictures, vaudeville, musical entertainment, or plays are regularly given. Open air or drive-in theaters are to be considered theaters for the purposes of this chapter.

Section 2. Subsection (4) of Section 137.050 of the Kentucky Revised Statutes is amended to read as follows:

For each theater, a license fee of twenty cents per seat per annum is imposed, the minimum charge to be ten dollars per

annum. In case of open air or drive-in theaters, each parking space for a vehicle from which the performance may be viewed, shall be construed as the equivalent of two seats in calculating the license fee under this section. This subsection shall not apply to chautauquas or fairs, or to buildings owned or operated by religious, educational or charitable organizations in which public exhibitions or performances are given by such organizations, but it shall apply when nonreligious, noneducational or noncharitable organizations or persons use such buildings.

Section 3. This Act shall become effective July 1, 1950.

By Messrs. Shannon and Sheehan.

H. B. No. 287. AN ACT to authorize the procurement and award of a military service medal to be known as the Conspicuous Service Cross to Kentucky war veterans having received a citation or the Purple Heart Medal; and appropriating money therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The Department of Military Affairs through the use of funds that may be specifically appropriated by this Act, shall cause to be designed and manufactured a military service medal with ribbon together with a metal device not more than three-sixteenths (3/16) of an inch in diameter to be attached to the ribbon of such military service medal for each succeeding citation. The medal so designed shall be known as the Conspicuous Service Cross. The Department of Military Affairs may employ a competent artist or artists to design such ribbon medal bearing a suitable inscription together with a citation attachment, at a fee not to exceed one hundred dollars, or may provide for the selection of the designs through a public competition, with a reward of not to exceed one hundred dollars for the winning design. After the selection of the design, the department shall advertise for bids for the manufacture of the

number of medals that will be required for distribution, and shall award the contract to the lowest and best bidder.

Sec. 2. The Governor, in the name of the General Assembly of the Commonwealth of Kentucky, shall present the Conspicuous Service Cross to any citizen of the State of Kentucky who while serving in the United States Army, Navy, Marine Corps or in the Army Nurse Corps, since April 6, 1917, has or shall have received a citation published in an order issued from a headquarters of a brigade or higher military unit, or equivalent naval unit, or has or shall have received the Purple Heart Medal. The Governor is further authorized to present the Conspicuous Service Cross to Kentucky troops or to citizens of this state who while serving with the allied armies, received citations as provided in this Act. Not more than one military cross shall be issued to any person, nor shall any medal be awarded or presented under the provisions of this Act to any person whose entire service subsequent to the time of the receipt of such citation shall not have been honorable. For each succeeding citation as provided herein, such person shall be entitled to wear, as the Department of Military Affairs may direct, a metal device to be attached to the ribbon of the Conspicuous Service Cross. In the event of the death of any person during or subsequent to the receipt of such citation the Conspicuous Service Cross shall be presented to such representatives of the deceased as may be designated. The Department of Military Affairs shall provide a suitable certificate of award for the presentation of the Conspicuous Service Cross.

Sec. 3. Applications for the medal provided for by this Act shall be made to the Department of Military Affairs prior to June 30, 1952, in such form and accompanied by such proof of eligibility as the department may prescribe by regulation. The department may prescribe such rules and regulations as may be necessary for the expeditious distribution of such medals.

Sec. 4. There is hereby appropriated to the Department ment of Military Affairs out of the General Expenditure Fund of the State Treasury for the fiscal year ending June 30, 1951, the sum of ten thousand dollars ($10,000) to be used for the purpose of carrying out the provisions of this Act.

By Messrs. Weintraub, Ruh, Jonas, Wirsch, Sheehan and Shannon.

H. B. No. 288. AN ACT relating to the establishment and operation of a Northern Kentucky Utility District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. There hereby is established a Northern Kentucky Public Utility District, which shall embrace the counties of Kenton and Campbell, and all incorporated cities within those counties. The district shall constitute a public body corporate, and political subdivision, with power to sue and be sued, contract and be contracted with, and in other ways to exercise all of the powers of a corporation and a political subdivision, within the purview of this Act.

Sec. 2. The business, activities, and affairs of the Northern Kentucky Utility District shall be managed, controlled and conducted by a board composed of one representative from each county and each city embraced within the district. The fiscal court of each such county shall appoint a representative, and the legislative body of each such city shall appoint a representative, to serve on the board. Any person appointed need not be, but may be, an officer or employe of the county or city for which appointed. The members of the board shall serve for terms of four years, and until their successors are appointed and have qualified, subject to removal at any time at the pleasure of the appointing authority. Vacancies shall be filled by appointment by the appointing authority.

Sec. 3. Following the appointment of the first board for the Northern Kentucky Utility District, the members shall meet for the purposes of organizing and electing officers, and thereafter regular meetings shall be held at such time and place as the board may determine. The original meeting shall be held at a time and place to be selected by the representative on the board from Kenton County, who shall act as temporary chair-

man for the purpose. Thereafter, special meetings may be held at any time upon call of the regular chairman or of any three members.

Sec. 4. The officers of the board shall consist of a chairman, a vice-chairman, a secretary, an assistant secretary, and a treasurer, who shall be chosen from the membership of the board for one year year terms. No member or officer of the board shall receive any compensation for his services, except that if the member chosen as secretary is not an officer or employe of the county or city which he represents, he may be paid a salary of not more than $500 per annum, and if the member chosen as treasurer is not an officer or employe of the county or city which he represents, he may be paid a salary of not more than $200 per annum. The members of the board shall be reimbursed for their actual and necessary expenses in attending meetings of the board and otherwise in performing their functions.

Sec. 5. The board for the Northern Kentucky Utility District shall have power to adopt rules and bylaws governing the conduct of the affairs of the district. It shall further have power to make employments or enter into contracts for the furnishing of technical, skilled or professional services for the district.

Sec. 6. The Northern Kentucky Utility District, through its board, shall have power to:

(1) Negotiate and deal with public utilities serving any territory within the district or seeking a franchise to furnish such service.

(2) Render services to the counties and cities embraced within the district in the preparation of franchise ordinance or contracts and in the handling of utility rate cases affecting utility service within the district.

(3) Furnish information, advice and assistance to the counties and cities embraced within the district on all matters relating to public utility rates or service.

(4) Upon request of any county or city embraced within the district, represent such county or city before any regulatory

body or court in any proceeding or case involving rates or service of a public utility.

(5) Appear before any regulatory body or court, as a party in interest, on behalf of the district, in any proceeding or case involving rates or service of a public utility within the district.

Sec. 7. Before any county or city embraced within the Northern Kentucky Utility District may grant any franchise or enter into any contract with a public utility, the proposed franchise or contract must be submitted to the board of the district, which shall within thirty days submit a report to the county or city setting forth its recommendations concerning the same.

Sec. 8. For the purpose of providing funds to enable the functions of the Northern Kentucky Utility District to be performed, each city embraced within the district shall pay to the district, at the beginning of each fiscal year of the district, the sum of $50 for each 1000 or major fraction thereof of population of the city, the minimum payment in any case to be $50, and each county embraced in the district shall pay to the district, at the same time, a sum equal to one-fourth of the total sum paid by all the cities located within the county. The fiscal year of the district shall begin on July 1 of each year and end on June 30 next following.

Sec. 9. The treasurer of the Northern Kentucky Utility District shall be required to give bond, with qualified corporate surety, in an amount sufficient to cover such sums as may be in his hands at any one time, conditioned upon the faithful performance of his duties and the faithful accounting for and paying over of all money that may come into his hands by virtue of his office.

Sec. 10. The funds of the district shall be paid out only on order of the board, on checks signed by the treasurer and countersigned by the chairman or other officer designated by the board. The funds of the district shall be kept on deposit in a depository bank selected by the board.

By Mr. Reasor.

H. B. No. 289. AN ACT relating to advertisement for bids for the printing contracts for the first four classes.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 57.070 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The Department of Finance shall, between the first day of August and the first day of November, 1950, and within the same period every fourth year thereafter give notice, which notice shall appear once each seven days for five consecutive publications in at least one newspaper of general circulation in each of the cities of Frankfort, Louisville, Lexington, Ashland, and Paducah, Kentucky, and Cincinnati, Ohio, that sealed proposals will be received at the office of the Commissioner of Finance, for the first four classes of public printing and binding in separate contracts for the term of four years beginning with the first Monday in January, next ensuing, at a certain rate not to exceed the rates specified by law.

By Messrs. Durham Howard and LeRoy Saylor.

H. B. No. 290. AN ACT allowing a deduction from income in the payment of income taxes, in a sum not exceeding $1,000.00 per annum furnished in providing board, tuition, books, laundry and clothing for needy children attending college or university in this state.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In addition to the deductions allowed by KRS 141.080, there shall be deducted from the income of any person the amount of money furnished by him for the board, tuition, books, laundry and clothing (or any one or more of them) for any child or

children under 21 years of age while attending any approved college or university in the State of Kentucky, provided the entire sum so paid be actually used for said purpose or purposes, and the child or children to or for whom said money is furnished does not have sufficient funds of his or their own to supply the same, and provided further, the sum for which such deduction may be claimed shall not exceed $1,000.00 during any one taxable year.

By Mr. McClain.

H. B. No. 291. AN ACT relating to revenue and taxation; providing for the imposition of certain taxes, and the disposition of the revenue therefrom; and making appropriations for administration and enforcement.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. For the purposes of this Act:

(1) "Person" means any individual, firm, partnership, association, corporation, estate or trust.

(2) "Commissioner" means the Commissioner of Revenue of Kentucky.

(3) "Department" means the Department of Revenue of Kentucky.

(4) "Merchandise" means any item of tangible personal property constituting an article of commerce.

(5) "Wholesale merchant" means every person who engages in the business of buying merchandise and selling it to others for resale, or who engages in the business of manufacturing, producing, processing or blending any merchandise and maintaining a store or stores, warehouse or warehouses, or any other place or places, separate and apart from the place of manufacture or production, for the sale or distribution of such merchandise to other manufacturers or producers, or wholesale or retail merchants, for the purpose of resale.

(6) "Wholesale sale" or "sale at wholesale" means a sale of merchandise by a wholesale merchant to a manufacturer, jobber or dealer, or wholesale or retail merchant, for the purpose of resale, but does not include a sale to users or consumers not for resale.

(7) "Retail merchant" means every person who engages in the business of buying or acquiring, by consignment or otherwise, any merchandise and selling same at retail.

(8) "Retail sale" means the sale of merchandise in any quantity or quantities for any use or purpose on the part of the purchaser other than for resale.

(9) "Sale" or "selling" means any transfer of title or possession, or both, or exchange or barter of merchandise, conditional or otherwise, however effected, and by whatever name called, for a consideration paid or to be paid, in installments or otherwise, and includes any of said transactions whereby title or ownership is ultimately to pass notwithstanding the retention of title or possession, or both, for security of other purposes, and further means and includes any bailment, loan, lease, rental or license to use or consume merchandise for a consideration paid or to be paid, in installments or otherwise, in which possession of said property passes to the bailee, borrower, lessee, or licensee.

(10) "Gross receipts" means the gross sales price at which wholesale sales or retail sales are made, whether for cash or on time, and if on time, the price charged on the books for such sales, without allowance for cash discount, and the same shall be reported as sales with reference to the time of delivery to the purchasers, except as this provision is modified by Section 9 of this Act.

Sec. 2. For the privilege of engaging or continuing in the business of selling merchandise, there is levied:

(1) On each wholesale merchant, a tax of one-fifth of one percent (1/5 of 1%) of his total gross receipts from wholesale sales.

(2) On every retail merchant, a tax of two percent (2%) of his total gross receipts from retail sales.

Sec. 3. The sale of any merchandise by any wholesale merchant to any person other than for resale shall be deemed to be a retail sale, and the gross receipts thereof shall be taxable to the wholesale merchant at the rate imposed by this Act on gross receipts of retail sales. The Commissioner of Revenue is authorized to make appropriate regulations for the enforcement of this section.

Sec. 4. The taxes imposed in this Act shall not apply to the receipts of the following: (1) Sales by churches, (2) sales by charitable organizations, (3) sales of food in school cafeterias, (4) sales to U. S. Government and Commonwealth of Kentucky agencies, (5) sales of gasoline and motor fuel, (6) sales of cigarettes, (7) receipts from religious, professional trade and sport publications printed in Kentucky when sold through regular subscriptions, (8) sales nontaxable by federal or state constitutional restrictions, (9) isolated sales, (10) foods for free distribution to the poor, (11) sales to charitable hospitals and sanitoria, (12) sales of school busses to Kentucky schools, (13) sales to nonprofit orphans' or children's homes, and (14) sales of distilled spirits, wine, and malt beverages.

Sec. 5. Upon each wholesale sale, the wholesale merchant shall deliver to the customer a bill of sale, whether the sale is for cash or on credit, and shall make a duplicate or carbon copy of each such bill of sale and keep the same on file until inspected and audited by a representative of the Department of Revenue. Failure to comply with the provisions of this section shall subject the seller to liability for tax upon such sales at the rate of tax levied in this Act upon the gross receipts of retail sales.

Sec. 6. Unless records are kept in such manner as will accurately disclose separate accounting of sales of taxable and nontaxable merchandise and in such form as may accurately and conveniently be checked by the representatives of the Department of Revenue, the exemptions provided for in Section 4 of this Act shall not be allowed, and it shall be the duty of the Commissioner or his agents to assess a tax upon the total gross receipts at the rate of tax levied upon retail receipts, and if records are not kept showing total gross receipts, it shall be

the duty of the Commissioner or his agents to assess a tax upon an estimation of sales upon the best information obtainable.

Sec. 7. The taxes levied in this Act shall be due and payable on or before the 15th day of the month next succeeding the month in which the gross receipts are received. Every taxpayer liable for the tax imposed by this Act shall, on or before the 15th day of the month, make out or prepare a return on the blank report form furnished by the Department of Revenue, showing the total gross receipts, the sales exempted from the tax, the net taxable sales, and the amount of tax covering sales in the preceding month, and shall mail same, together with the remittance for the amount of the tax, to the department. Such monthly return shall be signed by the taxpayer or a duly authorized agent of the taxpayer.

Sec. 8. (1) If a delinquent return or a return without remittance for the amount of tax shown to be due is received by the Department of Revenue, the taxpayer shall be assessed with a ten percent penalty plus interest at one percent per month from the date the tax was due. The penalty provided in this subsection shall not be less than one dollar.

(2) If the taxpayer shall fail or refuse to make the returns required under this Act, then such returns shall be made bv the Commissioner or his duly authorized agents from the best information available, and such returns shall be prima facie correct for the purposes of this Act. The amount of tax due thereby shall be a lien against all the property of the taxpayer until discharged by payment, and if payment not be made within thirty days after demand therefor by the Commissioner or his duly authorized agents, there shall be added a penalty of twenty percent, together with interest at the rate of one percent per month from the time such tax was due. If such tax be paid within thirty days after notice by the Commissioner, then there shall be added a penalty of ten percent, and interest at the rate of one percent per month from the time such tax was due until paid.

Sec. 9. Any person taxable under this Act having cash and credit sales may report such cash and credit sales separately, and upon making application therefor may obtain from the De-

partment of Revenue an extension of time for the payment of taxes due on such credit sales. Such extension shall be granted under such rules and regulations as the Department may prescribe. When such extension is granted, the taxpayer shall thereafter include in each monthly report all collections made during the month next preceding and shall pay taxes due thereon at the time of filing such report.

Sec. 10. The monthly returns required under this Act shall be made upon forms to be prescribed and provided by the Department of Revenue.

Sec. 11. The Department of Revenue for good cause may extend the time for making any return required under the provisions of this Act, but the time for filing any such return shall not be extended beyond the fifteenth day of the month next succeeding the regular due date of such return. If the time for filing a return be extended, interest at the rate of one percent per month from the time the return was required to be filed to the time of payment shall be added and paid.

Sec. 12. (1) As soon as practicable after the return is filed with the Department of Revenue, an authorized agent of the Department shall examine it; if it then appears that the correct amount of tax is greater or less than that shown in the return, the tax shall be recomputed.

(2) If the amount already paid exceeds that which should have been paid, on the basis of the tax so recomputed, the excess shall be credited or refunded to the taxpayer in accordance with the provisions of this Act.

(3) If the amount already paid is less than the amount which should have been paid, the amount of the deficiency shall bear interest at the rate of one percent per month from the time the tax was due.

(4) If any part of the deficiency is due to negligence or intentional disregard of authorized rules and regulations, with knowledge thereof, but without intent to defraud, there shall be added as penalty ten percent of the total amount of the deficiency in the tax.

(5) If any part of the deficiency is due to fraud with intent to evade the tax, then there shall be added as penalty twenty percent of the total amount of the deficiency in the tax.

(6) In any case where the amount already paid is less than the amount which should have been paid, the Department shall notify the taxpayer of the balance due, plus the interest due under subsection (3) of this section, and such penalty as may be due under subsection (4) or (5) of this section, and this total amount shall be paid within thirty days from the date of notice. If not so paid, the taxpayer shall be proceeded against as in the case of failure to make a return.

Sec. 13. In the absence of fraud, no assessment authorized by this Act shall extend to sales made more than three years prior to the date of assessment; and in cases where an audit has been made under the direction of the Commissioner of Revenue any assessment in respect to such audit shall be made within one year after the completion of the audit. However, when the returns required under this Act have not been made, the Commissioner of Revenue shall proceed to determine the total amount of the tax due because of sales made not more than five years prior to such determination, and any assessment made as a result of such determination shall extend to and include sales made within such period.

Sec. 14. If any taxpayer subject to the provisions of this Act goes into bankruptcy, receivership, or turns over his stock of merchandise by voluntary transfer to creditors, the tax liability under this Act shall constitute a prior lien on such stock of merchandise, subject to execution, and it shall be the duty of the transferee in any such case to retain the amount of the tax due from the first sales from such stock of merchandise and to pay the same to the Department of Revenue.

Sec. 15. Every wholesale merchant and retail merchant shall keep and preserve suitable records of his gross receipts, and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this Act. Every such person shall also keep and preserve, for a period of three years, all invoices of merchandise purchased for resale, and all such books, invoices, and other records shall

be open for examination at any time by the Commissioner or his duly authorized agent.

Sec. 16. The tax imposed by this Act shall be a lien upon the stock of merchandise and other property of any person subject to the provisions hereof who shall sell out his business or stock of merchandise, or shall quit business, and such person shall be required to make out the return provided for under Section 7, within thirty days after the date he sold out his business or stock of merchandise, or quit business, and his successor in businesss shall be required to withhold sufficient of the purchase money to cover the amount of said taxes due and unpaid until such time as the former owner shall produce a receipt from the Department of Revenue showing that the taxes have been paid, or a certificate that no taxes are due. If the purchaser of a business or stock of merchandise shall fail to withhold purchase money as above provided, and the taxes shall be unpaid after the thirty-day period allowed, he shall be personally liable for the payment of the taxes accrued and unpaid on account of the operation of the business by the former owner.

Sec. 17. If any person having made the return and paid the tax as provided by this Act feels aggrieved by the assessment made upon him by the Department of Revenue, he may appeal in the manner prescribed in KRS 131.110 and 131.120.

Sec. 18. The tax imposed by this Act shall be in addition to all other licenses and taxes levied by law as a condition precedent to engaging in any business taxable hereunder.

Sec. 19. All remittances of taxes imposed by this Act shall be made to the Department of Revenue by bank draft, check, cashier's check, money order, or money. The department shall issue a receipt therefor to the taxpayer, when requested, and shall deposit daily with the State Treasurer all monies received. as required by law for other taxes. No payment other than cash shall be a final discharge of liability for the tax.

Sec. 20. The Department of Revenue shall preserve all returns filed with it under this Act for a period of three years.

Sec. 21. It shall be unlawful for any person to fail or refuse to make the return provided to be made in this Act, or to make any false or fraudulent return or false statement in any return of the tax or any part thereof imposed by this Act; or for any person to aid or abet another in any attempt to evade the payment of the tax, or any part thereof, imposed by this Act; or for the president, vice president, secretary or treasurer of any company to make or permit to be made for any company or association any false return, or any false statement in any return required by this Act, with the intent to evade the payment of any tax hereunder; or for any person to fail or refuse to permit the examination of any book, paper, account, record, or other data by the Commissioner or his duly appointed agent, as required by this Act, or to fail or refuse to permit the inspection or appraisal of any property by the Commissioner or his duly appointed agent, or to refuse to offer testimony or produce any record as required in this Act. Any person violating any of the provisions of this section shall be fined not more than five hundred dollars or imprisoned in the county jail for not exceeding six months, or both. In addition to the foregoing penalties, any individual who shall knowingly swear to or verify any false or fraudulent statement, with the intent aforesaid, shall be guilty of the offense of false swearing and shall be punished in the manner provided by law for that offense.

Sec. 22. The Department of Revenue shall from time to time promulgate such rules and regulations not inconsistent with this Act for making returns and for the ascertainment, assessment, and collection of the tax imposed hereunder as it may deem necessary to enforce its provisions, and upon request shall furnish any taxpayer with a copy of such rules and regulations.

Sec. 23. The Commissioner, or his authorized agents, may examine any books, papers, records, or other data bearing upon the correctness of any return, or for the purpose of making a return where none has been made, as required by this Act, and may require the attendance of any person and take his testimony with respect to any such matter, with power to administer oaths to such person or persons. If any person summoned as a witness shall fail to obey any summons to appear before the Commissioner or his duly authorized agent, or shall refuse to testify

or answer any material question or to produce any book, record, paper, or other data when required to do so, such failure or refusal shall be reported to the Attorney General who shall thereupon institute proceedings in the circuit court of the county where such witness resides to compel obedience. Officers who serve summons or subpoenas, and witnesses attending, shall receive like compensation as officers and witnesses in the circuit court, to be paid from the appropriation for the administration of this Act.

Sec. 24. If upon examination of any monthly return made under this Act it appears that an amount of tax has been paid in excess of that properly due, then the amount in excess shall be credited against any tax or installment thereof then due from the taxpayer, under any other subsequent monthly return, or shall be refunded to the taxpayer by certificate of overpayment issued by the Commissioner to the Commissioner of Revenue Finance, which shall be investigated and approved by the Attorney General, and the Commissioner of Finance shall issue his warrant on the Treasurer, which warrant shall be payable out of any funds appropriated for that purpose.

Sec. 25. There is hereby appropriated out of the General Expenditure Fund in the State Treasury, to the Department of Revenue, for the fiscal year ending June 30, 1951, the sum of $300,000, and for the fiscal year ending June 30, 1952, the sum of $300,000 for the purpose of administering this Act.

Sec. 26. The revenue derived from the tax imposed by this Act shall be credited to the General Expenditure Fund in the State Treasury, for general state purposes.

Sec. 27. The provisions of this Act shall become effective September 1, 1950.

By Mr. Bernam Adams.

H. Res. No. 30. A RESOLUTION authorizing Elizabeth J. Crowe to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Elizabeth J. Crowe is authorized to sue the Commonwealth of Kentucky in the Clark Circuit Court for damages to her person resulting from the collision of an automobile driven by her husband, E. G. Crowe, in which she was a passenger, and an automobile owned by the Commonwealth of Kentucky and the Kentucky State Police, and driven by Sam Buford, an agent, servant and employee of said Kentucky State Police and of said Commonwealth of Kentucky, which accident occurred on State Highway 15 in Clark County, Kentucky at a point about 7 miles east of Winchester, Kentucky on October 16, 1949, and which accident was caused by the alleged negligence of said Buford while acting within the course of his employment and within the scope of his authority.

2. Said suit shall be for a sum not in excess of $2,000.00.

3. The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

4. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

5. No statement in this Resolution shall be considered by the Court or jury as an admission of negligence on the part of the Commonwealth or any of its officers, and this Resolution shall not be introduced as evidence nor commented upon by counsel in arguments to the jury.

H. Res. No. 31. A RESOLUTION authorizing E. G. Crowe to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That E. G. Crowe is authorized to sue the Commonwealth of Kentucky in the Clark Circuit Court for damages to

his automobile resulting from a collision between his automobile and an automobile owned by the Commonwealth of Kentucky and the Kentucky State Police, and driven by Sam Buford, an agent, servant and employee of said Kentucky State Police, and of said Commonwealth of Kentucky, which accident occurred on State Highway 15 in Clark County, Kentucky, at a point about 7 miles east of Winchester, Kentucky, on October 16, 1949, and which accident was caused by the alleged negligence of said Buford while acting within the course of his employment and within the scope of his authority.

2. Said suit shall be for a sum not in excess of $1,000.00.

3. The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

4. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

5. No statement in this Resolution shall be considered by the Court or jury as an admission of negligence on the part of the Commonwealth or any of its officers, and this Resolution shall not be introduced as evidence nor commented upon by counsel in arguments to the jury.

By Mr. Carter.

H. Res. No. 32. A JOINT RESOLUTION authorizing and directing the payment of the sum of $1899.00 to C. B. Wilson, for salary due him and expenses incurred by him as deputy sheriff of Woodford County, Kentucky, and appropriating that sum from the State Treasury.

Said resolution is as follows, viz:

WHEREAS, C. B. Wilson, a former deputy sheriff of Woodford County, Kentucky, did in the years of 1946 and 1947, in the performance of his official duties, pursue and apprehend certain

persons who were guilty of the theft of tobacco in Woodford County, Kentucky, and

WHEREAS, such pursuit necessitated extensive travel both within and without the Commonwealth of Kentucky and said C. B. Wilson did thereby incur expenses in the sum of $1250.00, and

WHEREAS, said C. B. Wilson agreed to a reduction of salary in the sum of $59.00 per month which on such assignment upon the sheriff's promise to reimburse him therefor, and

WHEREAS, he was on such assignment for eleven months and is entitled to reimbursement to the extent of $649.00, which sums have not been paid, upon demand, by the sheriff of Woodford County nor the fiscal court of said county;

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of $1899.00 is appropriated out of the General Expenditure Fund in the State Treasury, for the purpose of paying the claim of C. B. Wilson, of Woodford County, for salary due him and expenses incurred by him in the performance of his duties as deputy sheriff of Woodford County, Kentucky, during the years of 1946 and 1947. The Commissioner of Finance is hereby directed to draw his warrant upon the State Treasurer, in favor of said C. B. Wilson for said amount, and the State Treasurer, upon presentation of the warrant, is directed to issue a check in favor of the said C. B. Wilson in the amount of $1899.00.

By Mr. Fannin.

H. Res. No. 33. A JOINT RESOLUTION authorizing and directing the payment of the claims of Coye Perkins, Sheriff of McCreary County.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Coye Perkins, Sheriff of McCreary County, has claims against the Commonwealth, which claims have been duly proved and allowed according to law, being claims for fees for services which the Commonwealth is required by law to pay, and which claims are in the total amount of $100.01.

It appearing that said claims were not presented for payment by the Commonwealth within the time prescribed by statute, and it further appearing that the claims are just claims against the Commonwealth, the Commissioner of Finance is hereby authorized and directed to pay the claims when presented, and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claims, being $100.01, is hereby appropriated out of the General Expenditure Fund in the State Treasury for that purpose.

By Mr. Weintraub.

H. Res. No. 34. A JOINT RESOLUTION authorizing J. L. Collins and others to sue the University of Kentucky and/or the Trustees of the University of Kentucky.

Said resolution is as follows, viz:

WHEREAS, on or about April 26, 1948, one WILLIE SMITH, the duly constituted, appointed, and acting agent, servant and employee of the UNIVERSITY OF KENTUCKY, acting within the scope of his employment, was operating a certain 1946 Dodge truck, the property of the UNIVERSITY OF KENTUCKY, on and over U. S. Highway No. 25, near Crittenden, in Grant County, Kentucky, and

WHEREAS, the said WILLIE SMITH, while so operating the said truck in, on, and over the said highway, did negligently park the same on the said highway, immediately South of a curve in said highway, in such reckless, careless and negligent manner, as not to give warning of the presence of the said

motor truck on said highway, to the vehicle of the plaintiff, approaching from the North, or to any other vehicle being operated upon said highway from the North, and

WHEREAS, because of the said parking of the said truck in the aforementioned manner, the said HENRY RAY was required to bring his vehicle to a sudden stop, in and on the said highway, and due to the sudden stop of the auto belonging to HENRY RAY, a truck owned by I. E. PATTERSON and J. L. COLLINS, operated in a careful and prudent manner on and over the said U.S. Highway No. 25, rammed the rear of the car owned and operated by HENRY RAY, throwing it into the negligently parked truck of the UNIVERSITY OF KENTUCKY, and

WHEREAS, due to the aforementioned reckless, careless and negligent parking of the UNIVERSITY OF KENTUCKY'S truck, the said HENRY RAY suffered damages and injury to his automobile and to his person, in the amount of and to the extent of Six Thousand ($6,000.00) Dollars; and

WHEREAS, FRANCES LEE RAY, as a passenger in the car belonging to HENRY RAY, was severely injured in the accident, suffering great damage and injury to her person, because of the aforementioned carelessness, recklessness, and negligence of the agent, servant, and employee of the said UNIVERSITY OF KENTUCKY, in the amount of and to the extent of Five Thousand ($5,000.00) Dollars; and

WHEREAS, J. L. COLLINS and I. E. PATTERSON, a partnership, dba CENTRAL KENTUCKY GAS COMPANY, suffered damage and injury to their truck due to the aforementioned careless, reckless and negligent parking of the UNIVERSITY OF KENTUCKY, its agent, servant and employee, as aforesaid, in the amount of Twelve Hundred and Seventy-Nine and 12/100 ($1,279.12) Dollars; now therefore,

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY, that J. L. COLLINS and I. E. PATTERSON, individually, and as partners, doing business as CENTRAL KENTUCKY GAS COMPANY

and HENRY RAY and FRANCES LEE RAY, be, and each of them hereby are, authorized to sue the UNVERSITY OF KENTUCKY and/or the Trustees of the UNIVERSITY OF KENTUCKY, in the Circuit Court of Grant County, for damages resulting from personal injuries, medical expenses and damage to an automobile and truck, caused by the alleged negligence on the part of an employee of the said UNIVERSITY OF KENTUCKY while said employee was in the line of duty and acting within the scope of his employment and authority, as the result of an accident on or about April 26, 1948, in or near Crittenden, Grant County, Kentucky.

The suit of said J. L. COLLINS and I. E. PATTERSON, individually, and as partners, doing business as CENTRAL KENTUCKY GAS COMPANY, shall be for a sum not to exceed Twelve Hundred and Seventy-Nine and 12/100 ($1,279.12) Dollars.

The suit of said HENRY RAY shall be for a sum not to exceed Six Thousand ($6,000.00) Dollars.

The suit of said FRANCES LEE RAY shall be for a sum not to exceed Five Thousand ($5,000.00) Dollars.

The UNIVERSITY OF KENTUCKY, and/or the Trustees of the UNIVERSITY OF KENTUCKY, may investigate the claims herein, and settle same before or after suit is filed, if it be deemed advisable so to do, but any settlement made, must be approved by the Attorney General of the Commonwealth of Kentucky; any amount recovered in said suits by Judgment or by settlement, as above set forth, shall be paid out of the funds of the UNIVERSITY OF KENTUCKY.

In the event suit is filed and Judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the UNIVERSITY OF KENTUCKY, and/or the Trustees of the UNIVERSITY OF KENTUCKY, and this Resolution shall not be introduced as evidence for either party, nor commented upon by counsel in argument to the jury.

Ordered that said bills and said resolutions be printed and referred.

Mr. Waterfield moved that the rules be suspended and the privilege of the floor extended to Mr. Ben Kilgore for the day only.

Said motion was unanimously agreed to.

Mr. McClain moved that the rules be suspended and the privilege of the floor extended to Mrs. Susan Bond Rutherford for the day.

Said motion was unanimously agreed to.

Mr. Baumgardner moved that the rules be suspended and the privilege of the floor extended to Mrs. Beulah Thomas, Bonnieville, Kentucky, and Mrs. May Barnum, wife of the Representative 40th District, Jefferson County, Kentucky.

Said motion was unanimously agreed to.

Mr. William L. Jones moved that the rules be suspended and the privilege of the floor extended to Mr. Elmer Cook.

Said motion was unanimously agreed to.

Mr. Williamson moved that the rules be suspended and the privilege of the floor extended to Mr. Laban Jackson.

Said motion was unanimously agreed to.

Mr. Taylor moved that the rules be suspended and the privilege of the floor extended to Mr. Gabe B. Taylor.

Said motion was unanimously agreed to.

Mr. Archie Moore moved that the rules be suspended and the privilege of the floor extended Mr. Albert Johnson, Aberdeen, Kentucky.

Said motion was unanimously agreed to.

Mr. Saylor moved that the rules be suspended and the privilege of the floor extended Judge Ira Fields and Messrs. O. M. Howard and C. R. Chrisman.

Said motion was unanimously agreed to.

Mr. Harris moved that the rules be suspended and the privilege of the floor extended Mr. and Mrs. Garland Kemper.

Said motion was unanimously agreed to.

Mr. Smith moved that the rules be suspended and the privilege of the floor extended to Messrs. Joe Robinson and Pat Grigsby, of Springfield, Kentucky.

Said motion was unanimously agreed to.

Mr. Majors moved that the rules be suspended and the privilege of the floor extended to Mr. W. B. Young, Caneyville, Kentucky, Democratic Chairman of Grayson County, and Mr. C. E. Laymon, Superintendent of Central Garage, Frankfort, Kentucky.

Said motion was unanimously agreed to.

Mr. Durham Howard moved that the rules be suspended and the privilege of the floor extended to Mr. George Utras.

Said motion was unanimously agreed to.

REPORT OF COMMITTEES

The Committees to which the same had previously been referred reported bills and resolutions of the following titles, viz:

By Mr. Jonas of the Committee on Labor.

H. B. No. 237. AN ACT relating to medical examination or furnishing of records as a condition of employment.

By Mr. Bernam Adams of the Committee on Cities of the Third Class.

H. B. No. 253. AN ACT changing the classification of the City of Hazard, in Perry County.

By Mr. Moorman of the Committee on Agriculture No. 1.

H. B. No. 115. AN ACT relating to animals running at large.

H. B. No. 162. AN ACT relating to agricultural seed; making provisions for the introduction, supplying, furnishing and distribution of seed stocks or foundation seeds, and including provisions for appropriation of funds therefor.

H. B. No. 129. AN ACT imposing a penalty for removing or altering serial numbers on farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

By Mr. Love of the Committee on Charitable and Penal Institutions.

H. B. No. 213. AN ACT to protect the blind and incapacitated pedestrians on public streets and highways; requiring vehicles to come to a full stop in certain cases; restricting the use of certain colored canes by other pedestrians; and imposing penalties.

By Mr. Steers of the Committee on Cities of the Fourth Class.

H. B. No. 172. AN ACT changing the classification of the City of Owingsville, in Bath County.

H. B. No. 183. AN ACT changing the classification of the City of Martin, in Floyd County, and declaring an emergency.

S. B. No. 72. AN ACT changing the classification of the City of Cumberland in Harlan County.

H. B. No. 81. AN ACT relating to stenographers or clerks for county attorneys in certain counties; amending Section 69.340 of the Kentucky Revised Statutes.

By Mr. Williamson of the Committee on Claims.

H. Res. No. 16. A JOINT RESOLUTION authorizing Buford Keeton of Lookout, Pike County, Kentucky, by his guardian or next friend to sue the Commonwealth of Kentucky.

H. Res. No. 15. A JOINT RESOLUTION authorizing Annie Blackwell of Lookout, Pike County, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 13. A JOINT RESOLUTION authorizing Marlene Bartley of Lookout, Pike County, Kentucky, by her guardian or next friend to sue the Commonwealth of Kentucky.

H. Res. No. 14. A JOINT RESOLUTION authorizing Richard Blackwell of Lookout, Pike County, Kentucky, by his guardian or next friend to sue the Commonwealth of Kentucky.

By Mr. Hanratty of the Committee on Kentucky Statutes No. 1.

H. B. No. 184. AN ACT relating to elections for members of school boards, amending Sections 160.180, 160.260 and subsection (1) of Section 160.210 of the Kentucky Revised Statutes.

H. B. No. 221. AN ACT regulating the lights on vehicles; and defining words and phrases as used in Chapter 189 of the Kentucky Revised Statutes.

H. B. No. 222. AN ACT relating to proceedings if an arrest be made without a warrant.

H. B. No. 220. AN ACT regulating the distance between motor trucks and semi-trailer trucks when operating upon a highway.

H. B. No. 202. AN ACT relating to the duties and functions of the deputy commissioner of welfare.

S. B. No. 1. AN ACT relating to Fireworks.

H. B. No. 245. AN ACT relating to rates for composition for public printing.

H. B. No. 217. AN ACT extending the jurisdiction of the Board of Claims and amending KRS 176.290, 176.310, 176.320, 176.330, 176.340, and 176.380.

H. B. No. 242. AN ACT relating to the assistant Attorney General assigned to the Department of Finance.

By Mr. Hanratty of the Committee on Kentucky Statutes No. 1.

H. B. No. 243. AN ACT relating to the manner of letting contracts for materials, supplies and equipment: advertisement.

H. B. No. 244. AN ACT relating to the number of copies of Journals and Acts to be printed.

H. B. No. 211. AN ACT relating to the preparation and dissemination of information concerning roads and highways in the Commonwealth.

H. B. No. 149. AN ACT providing for the construction and operation of turnpikes to facilitate vehicular traffic in and through Kentucky; vesting certain powers and duties in the Department of Highways and the Commissioner of Highways in respect thereto, etc.

With Committee amendment thereto.

Said Committee amendment to said bill is as follows, viz:

Amend printed copy of H. B. No. 149 on Page 9, Section 14, Line 10 through 13 inclusive, by striking lines 10 through 13 inclusive and inserting in lieu thereof the following:

"or privileges; provided, however, that a sufficient number of gasoline stations shall be authorized to be established in each service area along any such turnpike to permit reasonable competition by private business in the public interest. The revenues received therefrom shall be handled and"

With the expression of opinion that said bills and said resolutions should pass.

Whereupon, said bills and said resolutions were each and severally read at length the first time and

Ordered placed in the Calendar.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a bill of the following title, viz:

H. B. No. 99. AN ACT relating to revenue and taxation.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bill to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bill duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that said bill be delivered by the Chief Clerk to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. No. 95. AN ACT relating to penalties for violation of laws concerning pharmacists, amending Section 315.990 of the Kentucky Revised Statutes.

H. B. No. 270. AN ACT relating to revenue and taxation—relating to coin-vending machines.

Ordered that said bills be read at length the second time.

Mr. Duncan moved that the Constitutional provision as to the second reading at length of said bills be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills having been dispensed with, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 7. AN ACT changing the classification of the City of Greensburg in Green County, and declaring an emergency.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Greensburg, in Green County, is such as to justify its being assigned to the fifth class of cities.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The City of Greensburg, in Green County, is transferred from the sixth class to the fifth class of cities.

Section 2. Whereas, this re-classification is necessary in order for Greensburg to qualify for and receive financial aid from

the Federal Government vitally needed for the construction of a hospital, and

Whereas, the immediate construction of such hospital facilities is essential to the public health and welfare in this area,

An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor.

Mr. Waterfield offered the following amendment to said bill by way of substitute therefor, viz:

"AN ACT changing the classification of certain cities from the sixth class to the fifth class, and declaring an emergency.

"WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Greensburg, in Green County, the City of Jamestown, in Russell County, and the City of Munfordville, in Hart County, is such as to justify such cities being assigned to the fifth class of cities.

"Be it enacted by the General Assembly of the Commonwealth of Kentucky:

"Sec. 1. The City of Greensburg, in Green County, the City of Jamestown, in Russell County, and the City of Munfordville, in Hart County, are transferred from the sixth class to the fifth class of cities.

"Sec. 2. Whereas, this re-classification is necessary in order for these cities to qualify for and receive financial aid from the Federal Government vitally needed for the construction of hospitals, and

"WHEREAS, the immediate construction of such hospital facilities is essential to the public health and welfare,

"An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor."

Said amendment to said bill by way of substitute therefor was agreed to.

Mr. Taylor moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Taylor moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed, as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	J. D. Buckman, Jr.	Chester A. Hammons
Edgar Arnett	Mrs. M. E. Burnett	James P. Hanratty
Sidney Baer	Charles W. Burnley	George F. Harris
Clarence J. Barnum	Alex Calvert	Paul E. Hayes
C. E. Baumgardner	Stanley Carter	John A. Head
Leonard T. Bean	Paul Combs	William K. Henry
John D. Beatty	R. Josh Cosby	E. R. Hilton
Fred Beshear	B. H. Crider	Woodrow W. Hollan
R. O. Blevins	Owen Deering	Chester J. Holsclaw
L. E. Bradley	G. I. Drury	W. M. Horn
Edward O. Bridgers	Thomas R. Duncan	Richard R. Houpt
Thomas L. Britton	R. C. Estepp, Sr.	Durham W. Howard
Charles J. Bronston	Mitchell S. Fannin	Maurice G. Howard

Robert N. Hubbard	Walter R. Moorman	Joseph T. Snapp
Silas Jacobs	Fred H. Morgan	John M. Spaulding
Barkley Jones	C. S. Nabb	Raymond D. Stigall
William Jones	Dr. C. E. Palmore	Mrs. Thelma Stovall
James W. Lambert	James H. Polsgrove	W. R. Stringer
Jesse H. Lawrence	Leonard W. Preston	Egbert V. Taylor
Mrs. J. T. Linton	Hobart Rayburn	M. G. Thompson
Homer E. Losey	W. R. Reasor	Rev. T. H. Tinsley
Harry K. Lowman	Carl J. Ruh	Ralph N. Walter
True Mackey	Amos Runyan	Fred M. Warns
John Martin	LeRoy Saylor	Harry Lee Waterfield
G. Lee McClain	Roy Searcy	Lyle H. Webb
Jack McPherron	James S. Shaw	Morris Weintraub
Alton Mitchell	Gus Sheehan, Jr.	G. F. Williamson
Archie R. Moore	Jesse H. Shelton	Charles W. Wirsch
Emmett G. Moore	Forest Smith	—86

Mr. Waterfield moved that the House do now adopt the title of said amendment to said bill by way of substitute therefor as the title of said bill.

Said motion was agreed to.

Resolved that the title thereof be as amended.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 90. AN ACT changing the classification of the City of Jamestown, in Russell County, and declaring an emergency.

Mr. Waterfield moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 109. AN ACT changing the classification of the City of Munfordville, in Hart County.

Mr. Waterfield moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 96. AN ACT relating to the indexing of real property records in counties containing a city of the second class, including provisions concerning the compensation of persons employed to keep the index systems; amending Section 382.220 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 382.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except in counties having a courthouse district as provided in KRS 382.210, the fiscal court in each county containing a city of the second class may in its discretion direct the county clerk to have made in books prepared for that purpose general indexes of the records of all the real property in the county according to a system approved by the fiscal court. The county clerk shall advertise for bids for all the work necessary to install the system under specifications approved by the county judge and shall, with the approval of the fiscal court, enter into a contract with the lowest and best bidder for the work, after requiring him to give bond for the faithful performance of the contract in a sum to be fixed by the fiscal court and approved by the county judge, and when the work has been completed to its satisfaction, the fiscal court shall direct the payment agreed upon out of the general fund of the county.

(2) When general indexes are completed they shall constitute the official indexes and the clerk of the county shall keep the indexes up to date by indexing therein the records of all real property within one month from the time they are lodged for record, and when so indexed the alphabetical cross-index of such instruments need no longer be preserved, and when such records or any part of them become defaced or injured the

clerk shall transcribe the defaced or injured records into new books, which shall be as valid in law as the original record.

(3) In order that such additional indexes may be kept correctly and accurately, the fiscal court may employ a competent person to keep the system of indexing and shall pay such person a sum not less than $2,400 nor more than $4,000 per annum, out of the general funds of the county.

Mr. Sheehan moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Sheehan moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	R. O. Blevins	Stanley Carter
Edgar Arnett	L. E. Bradley	Paul Combs
Sidney Baer	Thomas L. Britton	R. Josh Cosby
Clarence J. Barnum	Charles J. Bronston	B. H. Crider
C. E. Baumgardner	J. D. Buckman, Jr.	Owen Deering
Leonard T. Bean	Mrs. M. E. Burnett	G. I. Drury
John D. Beatty	Charles W. Burnley	Thomas R. Duncan
Fred Beshear	Alex Calvert	R. C. Estepp, Sr.

Mitchell S. Fannin	Jesse H. Lawrence	Jesse H. Shelton
Henry C. Hale	Mrs. J. T. Linton	Forest Smith
C. A. Hammons	Homer E. Losey	Joseph T. Snapp
James P. Hanratty	Harry K. Lowman	John M. Spaulding
George F. Harris	True Mackey	J. Claude Stacy
Paul E. Hayes	John Martin	Roy Steers
John A. Head	G. Lee McClain	Raymond D. Stigall
William K. Henry	Jack McPherron	Mrs. Thelma Stovall
E. R. Hilton	Alton Mitchell	W. R. Stringer
Woodrow W. Hollan	Walter R. Moorman	Egbert V. Taylor
Chester J. Holsclaw	Fred H. Morgan	M. G. Thompson
W. M. Horn	C. S. Nabb	Rev. T. H. Tinsley
Richard R. Houpt	Dr. C. E. Palmore	Ralph N. Walter
Durham W. Howard	Leonard W. Preston	Fred M. Warns
Maurice G. Howard	Hobart Rayburn	Harry Lee Waterfield
Robert N. Hubbard	W. R. Reasor	Lyle H. Webb
Silas Jacobs	Carl J. Ruh	Morris Weintraub
Barkley Jones	Amos Runyan	Charles W. Wirsch
William Jones	James S. Shaw	
James W. Lambert	Gus Sheehan, Jr.	—81

The House then took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 70. AN ACT providing that in any county containing a city of the second class and having a population of less than seventy-five thousand, and in which the county clerk shall have had his official bond executed by an incorporated surety company, the amount paid by such clerk as premium on such bond shall not be computed as part of the net compensation which he receives or retains for his services.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In any county containing a city of the second class and having a population of less than seventy-five thousand, and in which the county clerk shall have had his official bond executed by an incorporated surety company, the amount paid by such clerk as premium on such bond shall not be computed as part of

the net compensation which he receives or retains for his services but shall be considered as office expense payable out of the gross receipts of such clerk's office before any such computation of his net compensation.

Mr. Morgan offered the following amendment to said bill, viz:

Amendment No. 1. By striking from the second line in the title the following:

"and having a population of less than seventy-five thousand, and"

Said amendment was agreed to.

Mr. Weintraub moved that the vote by which said amendment to said bill was agreed to be reconsidered.

Said motion was agreed to.

Thereafter, such reconsideration.

Without objection, said amendment was withdrawn.

Mr. Morgan offered the following amendment to said bill, viz:

Amendment No. 2. Amend printed copy of H. B. No. 70, on page one, lines one and two, by striking therefrom the following:

"and having a population of less than seventy-five thousand, and"

Said amendment was agreed to.

Mr. Preston moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as folllows, viz:

Those who voted in the affirmative were—

Bernam Adams	George F. Harris	C. S. Nabb
Sidney Baer	Paul E. Hayes	W. R. Reasor
Clarence J. Barnum	John A. Head	Carl J. Ruh
C. E. Baumgardner	William K. Henry	Amos Runyan
Leonard T. Bean	Woodrow W. Hollan	Gus Sheehan, Jr.
Fred Beshear	Chester J. Holsclaw	Jesse H. Shelton
Edward O. Bridgers	W. M. Horn	Forest Smith
Charles J. Bronston	Richard R. Houpt	Joseph T. Snapp
J. D. Buckman, Jr.	Maurice G. Howard	John M. Spaulding
Mrs. M. E. Burnett	Robert N. Hubbard	Raymond D. Stigall
Charles W. Burnley	Silas Jacobs	Mrs. Thelma Stovall
Alex Calvert	Barkley Jones	W. R. Stringer
Paul Combs	Jesse H. Lawrence	Egbert V. Taylor
R. Josh Cosby	Mrs. J. T. Linton	M. G. Thompson
Owen Deering	Harry K. Lowman	Rev. T. H. Tinsley
G. I. Drury	True Mackey	Ralph N. Walter
Thomas R. Duncan	Jack McPherron	Fred M. Warns
Mitchell S. Fannin	Walter R. Moorman	Morris Weintraub
James P. Hanratty	Fred H. Morgan	—56

Those who voted in the negative were—

Bill Adams	Henry C. Hale	LeRoy Saylor
Edgar Arnett	C. A. Hammons	Roy Searcy
R. O. Blevins	Durham W. Howard	James S. Shaw
L. E. Bradley	A. L. (Chick) Love	Roy Steers
Thomas L. Britton	Alton Mitchell	Harry Lee Waterfield
Stanley Carter	Dr. C. E. Palmore	Lyle H. Webb
B. H. Crider	Leonard W. Preston	G. F. Williamson

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Mr. Morgan offered the following amendment to the title of said bill, viz:

By striking from the second line in the title the following:

"and having a population of less than seventy-five thousand, and"

Said amendment to the title of said bill was agreed to.

Resolved that the title thereof be as amended.

Mr. Morgan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Steers moved that the rules be suspended for the purpose of making a motion.

Said motion was agreed to by a majority of the members elected.

Thereupon, Mr. Steers moved that a bill of the following title, viz:

H. B. No. 200. AN ACT relating to payment of expense allowances to the members of the General Assembly and the Lieutenant-Governor of the Commonwealth of Kentucky, and declaring an emergency to exist.

Be taken from the hands of the Committee on Appropriations and advanced to a reading.

Said motion was agreed to by a majority of the members elected.

The yeas and nays taken thereon were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	William K. Henry	LeRoy Saylor
Edgar Arnett	Woodrow W. Hollan	James S. Shaw
Clarence J. Barnum	W. M. Horn	Gus Sheehan, Jr.
Leonard T. Bean	Richard R. Houpt	Jesse H. Shelton
John D. Beatty	Durham W. Howard	Forest Smith
R. O. Blevins	Maurice G. Howard	Joseph T. Snapp
L. E. Bradley	Barkley Jones	John M. Spaulding
Edward O. Bridgers	James W. Lambert	Roy Steers
Thomas L. Britton	Jesse H. Lawrence	Mrs. Thelma Stovall
J. D. Buckman, Jr.	Homer E. Losey	W. R. Stringer
Stanley Carter	A. L. (Chick) Love	Egbert V. Taylor
Paul Combs	True Mackey	Ralph N. Walter
B. H. Crider	William T. Marshall	Fred M. Warns
Owen Deering	Jack McPherron	Harry Lee Waterfield
G. I. Drury	Alton Mitchell	Lyle H. Webb
Thomas R. Duncan	Archie R. Moore	Morris Weintraub
R. C. Estepp, Sr.	Fred H. Morgan	G. F. Williamson
Henry C. Hale	Dr. C. E. Palmore	Charles W. Wirsch
C. A. Hammons	Leonard W. Preston	
John A. Head	W. R. Reasor	—58

Those who voted in the negative were—

Sidney Baer	Robert N. Hubbard	Walter R. Moorman
C. E. Baumgardner	Silas Jacobs	C. S. Nabb
Fred Beshear	Paul S. Jonas	Hobart Rayburn
Mrs. M. E. Burnett	William Jones	Roy Searcy
Charles W. Burnley	Mrs. J. T. Linton	J. Claude Stacy
R. Josh Cosby	Harry K. Lowman	Raymond D. Stigall
E. R. Hilton	G. Lee McClain	M. G. Thompson

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Thereupon, said bill was read at length for the first time and Ordered placed in the Calendar.

Mr. Losey moved that the rules be suspended for the purpose of making a motion.

Said motion was agreed to by a majority of the members elected.

Thereupon, Mr. Losey moved that a bill of the following title, viz:

H. B. No. 174. AN ACT making appropriations for common school purposes, in addition and supplemental to those made by House Bill No. 14 of the present General Assembly, and providing for the allocation thereof.

Be taken from the hands of the Committee on Appropriations and advanced to a reading.

Mr. Burnley moved that the House do now adjourn.

The yeas and nays being required on the motion as made by Mr. Burnley, Mr. Losey and Mr. Preston were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	Thomas R. Duncan	W. R. Reasor
Sidney Baer	Mitchell S. Fannin	Carl J. Ruh
Clarence J. Barnum	William K. Henry	Roy Searcy
C. E. Baumgardner	Chester J. Holsclaw	Gus Sheehan, Jr.
Leonard T. Bean	Richard R. Houpt	Jesse H. Shelton
Edward O. Bridgers	Robert N. Hubbard	Forest Smith
Charles J. Bronston	Silas Jacobs	J. Claude Stacy
J. D. Buckman, Jr.	Paul S. Jonas	Raymond D. Stigall
Mrs. M. E. Burnett	William Jones	Mrs. Thelma Stovall
Charles W. Burnley	Jesse H. Lawrence	W. R. Stringer
Alex Calvert	Mrs. J. T. Linton	M. G. Thompson
Paul Combs	True Mackey	Fred M. Warns
R. Josh Cosby	G. Lee McClain	G. F. Williamson
Owen Deering	Walter R. Moorman	
G. I. Drury	C. S. Nabb	—43

Those who voted in the negative were—

Bill Adams	L. E. Bradley	B. H. Crider
John D. Beatty	Thomas L. Britton	R. C. Estepp, Sr.
R. O. Blevins	Stanley Carter	Henry C. Hale

C. A. Hammons	William T. Marshall	John M. Spaulding
E. R. Hilton	Jack McPherron	Roy Steers
Woodrow W. Hollan	Alton Mitchell	Harry Lee Waterfield
Maurice G. Howard	Dr. C. E. Palmore	Lyle H. Webb
Barkley Jones	Leonard W. Preston	Morris Weintraub
James W. Lambert	Amos Runyan	Charles W. Wirsch
Homer E. Losey	Dr. Roy Sanders	
A. L. (Chick) Love	LeRoy Saylor	—31

Thereupon, said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 8, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by Doctor Will B. Campbell, minister of the Methodist Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams	Alex Calvert	E. R. Hilton
Bill Adams	Stanley Carter	Ray Holbrook
Edgar Arnett	Paul Combs	Woodrow W. Hollan
Sidney Baer	R. Josh Cosby	Chester J. Holsclaw
Clarence J. Barnum	B. H. Crider	W. M. Horn
C. E. Baumgardner	Owen Deering	Richard R. Houpt
Leonard T. Bean	G. I. Drury	Durham W. Howard
John D. Beatty	Thomas R. Duncan	Maurice G. Howard
Fred Beshear	R. C. Estepp, Sr.	Robert N. Hubbard
R. O. Blevins	Mitchell S. Fannin	Silas Jacobs
L. E. Bradley	Henry C. Hale	Paul S. Jonas
Edward O. Bridgers	C. A. Hammons	Barkley Jones
Thomas L. Britton	James P. Hanratty	William Jones
Charles J. Bronston	George F. Harris	James W. Lambert
J. D. Buckman, Jr.	Paul E. Hayes	Jesse H. Lawrence
Mrs. M. E. Burnett	John A. Head	Mrs. J. T. Linton
Charles W. Burnley	William K. Henry	Homer E. Losey

A. L. (Chick) Love
Harry K. Lowman
True Mackey
Damon Majors
G. Lee McClain
Jack McPherron
Alton Mitchell
Archie R. Moore
Walter R. Moorman
Fred H. Morgan
C. S. Nabb
Dr. C. E. Palmore
James H. Polsgrove
Leonard W. Preston
Hobart Rayburn
W. R. Reasor
Carl J. Ruh
Amos Runyan
Dr. Roy Sanders
LeRoy Saylor
Roy Searcy
Paul E. Shannon
Gus Sheehan, Jr.
Jesse H. Shelton
Forest Smith
Joseph T. Snapp
John M. Spaulding
J. Claude Stacy
Roy Steers
Raymond D. Stigall
Mrs. Thelma Stovall
W. R. Stringer
Egbert V. Taylor
M. G. Thompson
Rev. T. H. Tinsley
Ralph N. Walter
Fred M. Warns
Harry Lee Waterfield
Lyle H. Webb
Morris Weintraub
G. F. Williamson
Charles W. Wirsch
Adron Doran, Speaker

Mr. Baer moved that leave of absence be granted to Messrs. Bailey, Helm, Martin, Marshall, Emmett G. Moore, and Shaw.

Said motion was agreed to.

Mr. Harris moved that the reading of the Journal of the proceedings of Tuesday, February 7, 1950, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Spaulding moved that the rules be suspended and the privilege of the floor extended to Messrs. V. J. Steele and LeRoy Woodward.

Said motion was unanimously agreed to.

Mr. Runyan moved that the rules be suspended and the privilege of the floor extended to Messrs. Herbert Dickson and Shelby Martin.

Said motion was unanimously agreed to.

Mr. Thompson moved that the rules be suspended and the privilege of the floor extended to Messrs. M. M. Thompson and S. J. Embry, Jr.

Said motion was unanimously agreed to.

Mr. Hale moved that the rules be suspended and the privilege of the floor extended to Miss Marie R. Turner.

Said motion was unanimously agreed to.

Mr. Steers moved that the rules be suspended and the privilege of the floor extended to Mr. Ben Kilgore.

Said motion was unanimously agreed to.

Mr. Bridgers moved that the rules be suspended and the privilege of the floor extended to Mr. Jim Dorman, Jessamine County, Kentucky, and Doctor Blackburn, also of Jessamine County, Kentucky, both former members of the House of Representatives.

Said motion was unanimously agreed to.

Mr. Shelton moved that the rules be suspended and Joe Mobley, Jr. be made an Honorary Page for the day.

Said motion was unanimously agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills and resolutions which originated in that body of the following titles, viz:

S. B. No. 91. AN ACT to protect the blind and incapacitated pedestrians on public streets and highways; requiring vehicles to come to a full stop in certain cases; restricting the use of certain colored canes by other pedestrians; and imposing penalties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. It is unlawful for any person, unless totally or partially blind or otherwise incapacitated, while on any public street or highway, to carry in a raised or extended position a cane or walking stick which is white in color or white in color and tipped in red.

Sec. 2. Whenever a pedestrian is crossing or attempting to cross a public street or highway, guided by a guide dog or carrying in a raised or extended position a cane or walking stick which is white in color or white in color and tipped with red, the driver of every vehicle approaching the intersection, or place where such pedestrian is attempting to cross, shall bring his vehicle to a full stop before arriving at such intersection or place of crossing, and before proceeding shall take such precautions as may be necessary to avoid injuring such pedestrian.

Sec. 3. Nothing contained in this Act shall be construed to deprive any totally or partially blind or otherwise incapacitated person, not carrying such a cane or walking stick or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways, nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a guide dog upon the streets, highways or sidewalks of this Commonwealth, be held to constitute nor be evidence of contributory negligence.

Sec. 4. Any person who violates any provision of this Act, shall upon conviction thereof, be fined not exceeding twenty-five dollars ($25).

S. B. No. 62. AN ACT to amend subsection (2) of KRS 140.030, relating to inheritance taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of KRS 140.030 is amended to read as follows:

The proceeds payable under any life insurance policy on the death of the assured (other than a United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government), whether payable to a designated beneficiary or to the assured or his estate, shall be taxable as a part of the legacy as the distributable share of the beneficiary, except that the proceeds of an insurance policy payable to a designated beneficiary other than the assured or his estate, not to exceed twenty thousand dollars in the aggregate, shall be tax-free. The tax-free portion shall be divided among the beneficiaries in proportion to the proceeds payable to each of them. The proceeds payable under any United States Government Life Insurance policy or National Service Life Insurance policy issued by or through the Federal Government, whether payable to a designated beneficiary or to the assured or his estate, and any pension or annuity payments made or to be made to the widow of an employe of a railroad or other carrier under the Federal Railroad Retirement Act of 1935 as amended, shall be tax-free, and shall not be considered in determining the value of any taxable transfer.

S. B. No. 79. AN ACT relating to civil practice and procedure and particularly the code of practice in civil cases; providing for a civil code committee; prescribing powers and duties of such committee and additional powers and duties of the Statute Revision Commission; and making an appropriation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. For the purpose of improving civil practice and procedure in the courts of this Commonwealth, there is hereby created a committee denominated "The Civil Code Committee," composed of the Chief Justice of the Court of Appeals or a member of that Court designated by him, two (2) Circuit Judges, and four (4) members of the Kentucky State Bar Association; all those members except the representative of the Court of Appeals to be appointed by the Governor to serve for a term of two (2) years.

2. The Committee is authorized and directed to make a comprehensive study of the Kentucky Code of Practice in Civil Cases, and to formulate and execute such plans and policies for the simplification, clarification, and revision of the Code as may appear necessary and proper, including the transposition of general procedural rules from the Kentucky Revised Statutes to the Code and matters of substantive law from the Code to the Kentucky Revised Statutes; provided that the substantive rights of litigants shall not be abridged, enlarged, or modified.

3. The Statute Revision Commission is authorized and directed to secure and provide adequate facilities, services, and editorial assistance to enable the Committee to carry out the objects of this act.

4. The Committee, with the assistance of the Statute Revision Commission, shall prepare for submission to the next regular session of the General Assembly for legislative consideration and action its recommendations for a complete and revised Code of civil practice and procedure.

5. To carry out the purposes of this act, there is appropriated out of the General Expenditure Fund in the State Treasury the sum of fifteen thousand ($15,000) dollars; which sum shall be available during the 1950-51 fiscal year and, without lapse, during the 1951-52 fiscal year, for the payment of actual necessary expenses incurred by The Civil Code Committee and the Statute Revision Commission in the performance of their functions prescribed by this act; same to be paid on vouchers approved by the Reviser of Statutes.

S. B. No. 53. AN ACT repealing, amending and re-enacting section 436.230 of Kentucky Revised Statutes by adding a new subsection thereto defining gambling.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 436.230 of the Kentucky Revised Statutes is hereby repealed, amended, and re-enacted, so that when so repealed, amended, and re-enacted, it will read as follows, to-wit:

1. Any person who, with or without compensation, sets up, keeps, manages, operates or conducts or assists in setting up, keeping, managing, operating or conducting a keno bank, faro bank or other machine or contrivance used in betting whereby money or anything of value may be won or lost, or any person who, for compensation, percentage or commission, sets up, keeps, manages, operates or conducts a game of cards, oontz or craps, whereby money or anything of value may be won or lost, or with or without compensation, percentage or commission, assists in setting up, carrying on, managing, operating or conducting any game so set up, carried on, managed, operated or conducted for compensation, percentage or commission, shall be fined five hundred dollars, and confined in the penitentiary for not less than one nor more than three years. In addition, he shall be deemed infamous after conviction, and be forever disqualified from exercising the right of suffrage and from holding any state, county or city office of honor, trust or profit. The judgment of conviction shall recite such infamy and disqualification and shall not be valid with the recital.

2. Subsection 1 of this section shall not apply to persons who play at such games, machine or contrivances, unless they aid or take other part in setting up, conducting, keeping, managing or operating them.

3. The change of the name of any of the games, banks, tables, machines or contrivances prohibited by subsection 1 of this section shall not prevent the conviction of any person, violating the provisions of that subsection.

4. Subsection 1 of this section shall not apply to persons who sell combination or French pools on any regular race track during the races on that track. An indictment for a violation of the provisions of subsection 1 of this section may charge the accused in one count with any or all of the offenses mentioned or included in that subsection.

5. A small table with its surface slanted upwards from the end at which the player stands, and which is equipped with a plunger, bat or electrically operated flipper or turrett shooter which the player manipulates, striking therewith some balls which are knocked towards the upper end of the table, and those

balls strike a pocket or target or rebound from the upper end of the table and start rolling back by force of gravity toward the lower end of the table, meeting on the way various hazards and obstructions on the surface of the table, which cause the balls to meander in other directions and register a certain number score, depending upon the number assigned to the particular obstruction or pocket or indicated by lights at time it hits, some obstructions taking a higher score number than others, whereby the play is started by the player depositing a coin in a provided slot, and if the player is successful in obtaining a prescribed result in number score, and he then possesses the opportunity only to replay such table in the same manner without the insertion of another coin, and if such device itself does not pay off in money, tokens or merchandise or other prizes for the winning score and only gives the right of replay without insertion of a coin, depending upon the skill of the player, playing such device, shall not be considered as gambling, and Subsection 1 of this Section, 436.230, shall not apply to any person keeping, managing, operating, conducting, or owning such device which only gives a free game or games for the skill of the player playing such machine or device.

S. Res. No. 17. A JOINT RESOLUTION authorizing and directing the payment of claims of J. E. Hutchins, Judge Pro-Tem of the Police Court of Louisville, Jefferson County, Kentucky, for fees allowed and payable by virtue of Section 64.220 Kentucky Revised Statutes, while holding examining trials in felony charges from August 31, 1948, to and including June 29, 1949.

Said bill is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That J. E. Hutchins, Judge Pro-Tem of the Louisville Police Court of Louisville, Jefferson County, Kentucky, has claims against the Commonwealth, which claims were duly allowed at the January term 1950 of the Jefferson Circuit Court, Criminal Division, being claims for fees for services in holding examining trials in felony cases while acting as Judge Pro-Tem of the Police

Court of the City of Louisville, Jefferson County, Kentucky, which the Commonwealth is required by law to pay, and which claims are in the total amount of $516.00.

It appearing that said claims were not presented for payment by the Commonwealth within the time prescribed by statute, and it further appearing that the claims are just claims against the Commonwealth, the Commissioner of Finance is hereby authorized and directed to pay the claims when presented, and the Statute of Limitations as now provided by law shall not be a bar to the payment of said claims, and the amount necessary to pay said claims, being $516.00, is hereby appropriated out of the General Expenditure Fund of the State Treasury for that purpose.

S. Res. No. 13. RESOLUTION authorizing the personal representative of Otha Martin, deceased, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either of them.

Said bill is as follows, viz:

WHEREAS, on or about December 12, 1949, Otha Martin, then 47 years of age and able-bodied, of Warren County, Kentucky, while operating his motor vehicle along a public highway known as the Russellville Road, No. 68, in Warren County, Kentucky, was stopped by an employee of the Department of Highways along with other vehicles using said road, while said employee was acting in the line of duty, and notified by said employee that due to water over the road under the Railroad bridge crossing the Russellville Road, which for a number of years has occurred very frequently, that he would have to detour off of the Russellville Road and use railroad crossing south of the point where the road was under water, with said crossing being some two hundred feet south of point where water was over the road, and some two hundred feet from the Russellville Road; and

WHEREAS the said Otha Martin directed his motor vehicle off of the Russellville Road in line of traffic with other vehicles and followed the instructions of the employee of the Depart-

ment of Highways, relying upon said employee that said vehicles could safely cross the railroad at the point designated, and that notwithstanding the fact that said railroad crossing is a dangerous one which can only safely be used providing the necessary care is taken in directing vehicles at the point of crossing the railroad track; and

WHEREAS, the Commonwealth of Kentucky and the Department of Highways were careless and negligent, and through failure to provide the necessary safeguard to the said Otha Martin, the said Otha Martin was struck by the train at said crossing and as the sole, direct and proximate result of his injuries received at the time and place stated, died on or about December 12, 1949; and

WHEREAS, the said Otha Martin at the time of his injuries was earning some $1,800.00 per year, and his said motor vehicle which was totally demolished was reasonably worth $850.00; and

WHEREAS, the injuries of the said Otha Martin, deceased, were caused and produced by the carelessness and negligence of the Department of Highways then and there acting through its agents and employees then and there in the performance of their duties as such, while the said Otha Martin was free of any negligence whatsoever contributed to or in any wise brought about his said injuries.

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of the Estate of Otha Martin, deceased, is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of Highways, or either of them, in the Circuit Court held in and for Warren County, in the State of Kentucky, this being the county of his residence and the county in which he was killed, and the county wherein his said death was the direct and proximate result of the carelessness and negligence of the Department of Highways then and there acting through its agents or employees.

Section 2. The said suit of the personal representative of Otha Martin, deceased, shall be for an amount not exceeding the sum of $20,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky and the Department of Highways, or either of them, and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by said settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky and the Department of Highways, or either of them, and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Ordered that said bills and said resolutions be printed and referred.

The message which was received from the Senate also announced that they had adopted a resolution which originated in that body as follows, viz:

S. Res. No. 25. A CONCURRENT RESOLUTION concerning the growing and .marketing of tobacco in Kentucky.

WHEREAS, the growing and marketing of tobacco in Kentucky produces more cash income than is produced from any other crop grown in Kentucky, and

WHEREAS, Kentucky produces, grows and markets more Burley tobacco than any other state in the United States of America, and

WHEREAS, the growing and marketing of Burley tobacco is very vital to the economic life and to the general welfare of the people of Kentucky, and

WHEREAS, the Burley tobacco growers in Kentucky, by overwhelming vote, have repeatedly approved the establishment of quotas for the growing and marketing of Burley tobacco under the terms and provisions of the Federal Agricultural Adjustment Act of 1938, as amended, and

WHEREAS, uniform standards of type, quality, grade and other characteristics need to be established and maintained to prevent manipulations and evasions which would unreasonably and adversely affect the prices received by tobacco growers in Kentucky to the great detriment of such growers, and

WHEREAS, the classification of tobacco according to type, grade and other characteristics and the use and application of uniform standards for such classifications and inspections are imperative for the protection of growers of Burley tobacco and the protection of the public interest of the people of Kentucky and of other states growing Burley tobacco, and

WHEREAS, abnormally excessive supplies of Burley tobacco adversely affect the price of tobacco which is grown under quota and marketing restrictions, and

WHEREAS, tobacco has been grown in large amounts in Kentucky which is a cross or variety of Burley known and designated as Type 31-V tobacco which has been grown without being under the quota and marketing restrictions applicable to other growers of Burley tobacco, and

WHEREAS, the ruling and regulation of the United States Department of Agriculture establishing Type 31-V tobacco, classification amended July 18, 1947, effective July 23, 1947 (12 F.R. 4144; 12 F.R. 4879) restrictions and contract issued November 13, 1947, effective January 2, 1948 (12 F.R. 5478; 12 F.R. 8041) have resulted in the evasion of the quota restrictions with respect to the growing and marketing of Burley tobacco in Kentucky, and

WHEREAS, the General Assembly of the Commonwealth of Kentucky is strongly of the opinion that the aforesaid regulation, classification and contract made by the United States Department of Agriculture is in direct violation of the intent of the Congress of the United States with respect to quota, marketing and other regulations with respect to the growing and marketing of Burley tobacco, and

WHEREAS, the General Assembly of the Commonwealth of Kentucky very strongly believes that said ruling, regulation, classification and contract are unfair and unjust and are against the best interest of the Burley tobacco growers of Kentucky and of other states growing Burley Tobacco, and

WHEREAS, the General Assembly of the Commonwealth of Kentucky very strongly believes that said ruling, classifications, restrictions and contract have resulted, and will continue to result, in abuses and evasions and manipulations which, if not corrected, may lead to the destruction of or great damage to the Burley tobacco industry in Kentucky and in other states,

NOW THEREFORE, be it resolved by the General Assembly of the Commonwealth of Kentucky, the Senate and the House of Representatives concurring, that the Secretary of Agriculture of the United States be requested immediately to revoke and rescind the rulings, classifications and contract hereinabove set forth; and in lieu thereof, promulgate and adopt rules and regulations prohibiting the growing of Type 31-V tobacco except under existing quotas, penalties and other marketing conditions, regulations and provisions which are now applicable to the growing and marketing of Burley tobacco, and

(2) That the Secretary of Agriculture of the United States immediately promulgate and issue appropriate and effective regulations to prohibit the consideration, historically or otherwise, of Type 31-V tobacco in computing or determining the allotment or base for the growing of Burley tobacco on any farm or farms by any person, firm or corporation, and

(3) That the Clerk of the Senate be and is hereby directed to send an attested copy of this Resolution to each member of

the House of Representatives from Kentucky and to each member of the Senate of the United States from Kentucky and to the President and Vice-President of the United States; and, that they and each of them hereby are requested immediately to use their good offices in urging that the Secretary of Agriculture of the United States immediately take the action hereinabove requested, or upon his failure so to do, that appropriate legislation be prepared and presented to Congress for passage to accomplish the objectives and purposes hereinabove set forth.

Ordered that said reoslution be placed on the Clerk's desk.

Mr. Preston arose and spoke to a point of personal privilege regarding House Resolution A, which was adopted by the House on February 12, 1950, and moved that the Chairman of the Property and Buildings Commission be directed to file the report as asked for in said resolution not later than February 15, 1950.

The Speaker ruled that the motion as made by Mr. Preston was out of order, inasmuch as he was recognized for the purpose of speaking to a point of personal privilege.

Mr. Hanratty arose to a point of information as to what order of business the House was now in.

The Speaker ruled that the House was in the order of unfinished business, that being the motion by Messrs. Losey and Maurice G. Howard.

(For motion see H. J. of February 7, 1950, ante).

Mr. Losey arose to the point of information as to the time to be allotted each member to speak for or against the motion.

The Speaker ruled that each member would be allotted thirty minutes.

Mr. Weintraub moved that the House do now recess for forty-five minutes.

Without objection, said motion was withdrawn.

Mr. Weintraub moved that the House do now recess for twenty minutes.

The yeas and nays being taken thereon were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	L. E. Bradley	Alton Mitchell
John D. Beatty	Jack McPherron	LeRoy Saylor

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Those who voted in the negative were—

Leonard T. Bean	E. R. Hilton	Hobart Rayburn
Fred Beshear	Ray Holbrook	W. R. Reasor
R. O. Blevins	Woodrow W. Hollan	Amos Runyan
Edward O. Bridgers	Chester J. Holsclaw	Paul E. Shannon
Thomas L. Britton	Richard R. Houpt	Jesse H. Shelton
Charles J. Bronston	Robert N. Hubbard	Joseph T. Snapp
J. D. Buckman, Jr.	Silas Jacobs	J. Claude Stacy
Mrs. M. E. Burnett	Paul S. Jonas	Roy Steers
Alex Calvert	William Jones	W. R. Stringer
Paul Combs	Mrs. J. T. Linton	Egbert V. Taylor
R. Josh Cosby	Homer E. Losey	M. G. Thompson
B. H. Crider	A. L. (Chick) Love	Rev. T. H. Tinsley
Mitchell S. Fannin	Harry K. Lowman	Fred M. Warns
Henry C. Hale	G. Lee McClain	Harry L. Waterfield
James P. Hanratty	Walter R. Moorman	Lyle H. Webb
George F. Harris	Fred H. Morgan	Morris Weintraub
Paul E. Hayes	C. S. Nabb	G. F. Williamson
John A. Head	Dr. C. E. Palmore	Charles W. Wirsch
William K. Henry	Leonard W. Preston	

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Thereupon, said motion was disagreed to.

Mr. Fannin moved the Previous Question.

Without objection, said motion was withdrawn.

Mr. Polsgrove moved the Previous Question.

Mr. Waterfield moved that debate be limited to thirty minutes each for the proponents and opponents of the motion.

The Speaker ruled that the motion as made by Mr. Waterfield was a privileged motion.

The motion as made by Mr. Waterfield was agreed to.

The yeas and nays being required on the motion as made by Mr. Losey and Mr. Maurice Howard were as follows, viz:

Those who voted in the affirmative were—

John D. Beatty	A. L. (Chick) Love	Roy Steers
L. E. Bradley	Jack McPherron	Egbert V. Taylor
Henry C. Hale	Alton Mitchell	Harry L. Waterfield
C. A. Hammons	Dr. C. E. Palmore	Lyle H. Webb
John A. Head	Leonard W. Preston	Morris Weintraub
Homer E. Losey	LeRoy Saylor	Charles W. Wirsch

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Those who voted in the negative were—

Bernam Adams	Paul E. Hayes	C. S. Nabb
Bill Adams	William K. Henry	James H. Polsgrove
Edgar Arnett	E. R. Hilton	Hobart Rayburn
Sidney Baer	Ray Holbrook	W. R. Reasor
Clarence J. Barnum	Woodrow W. Hollan	Carl J. Ruh
C. E. Baumgardner	Chester J. Holsclaw	Amos Runyan
Leonard T. Bean	W. M. Horn	Dr. Roy Sanders
Fred Beshear	Richard R. Houpt	Roy Searcy
Edward O. Bridgers	Durham W. Howard	Paul E. Shannon
Thomas L. Britton	Robert N. Hubbard	Gus Sheehan, Jr.
Charles J. Bronston	Silas Jacobs	Jesse H. Shelton
J. D. Buckman, Jr.	Paul S. Jonas	Forest Smith
Mrs. M. E. Burnett	Barkley Jones	Joseph T. Snapp
Charles W. Burnley	William Jones	John M. Spaulding
Alex Calvert	James W. Lambert	J. Claude Stacy
Stanley Carter	Jesse H. Lawrence	Raymond D. Stigall
Paul Combs	Mrs. J. T. Linton	Mrs. Thelma Stovall
R. Josh Cosby	Harry K. Lowman	W. R. Stringer
Owen Deering	True Mackey	M. G. Thompson
G. I. Drury	Damon Majors	Rev. T. H. Tinsley
Thomas R. Duncan	G. Lee McClain	Ralph N. Walter
Mitchell S. Fannin	Archie R. Moore	Fred M. Warns
James P. Hanratty	Walter R. Moorman	G. F. Williamson
George F. Harris	Fred H. Morgan	

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Thereupon, said motion was disagreed to.

Mr. Baer moved that when the House adjourns today it adjourn in honor of Honorable John J. Barry, owner and publisher of the Kentucky Irish American.

Said motion was agreed to.

Mr. Hanratty moved that the House do now adjourn to meet again at 11 A.M., Thursday, February 9, 1950.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 9, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by the Reverend Will B. Campbell, minister of the Methodist Church, Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams	Thomas L. Britton	R. C. Estepp, Sr.
Bill Adams	Charles J. Bronston	Mitchell S. Fannin
Edgar Arnett	J. D. Buckman, Jr.	C. A. Hammons
Sidney Baer	Mrs. M. E. Burnett	James P. Hanratty
Walter J. Bailey	Charles W. Burnley	George F. Harris
Clarence J. Barnum	Alex Calvert	Paul E. Hayes
C. E. Baumgardner	Stanley Carter	John A. Head
Leonard T. Bean	Paul Combs	William K. Henry
John D. Beatty	R. Josh Cosby	E. R. Hilton
Fred Beshear	B. H. Crider	Ray Holbrook
R. O. Blevins	Owen Deering	Woodrow W. Hollan
L. E. Bradley	G. I. Drury	W. M. Horn
Edward O. Bridgers	Thomas R. Duncan	Richard R. Houpt

Durham W. Howard
Maurice G. Howard
Robert N. Hubbard
Silas Jacobs
Paul S. Jonas
Barkley Jones
William Jones
James W. Lambert
Jesse H. Lawrence
Mrs. J. T. Linton
Homer E. Losey
A. L. (Chick) Love
Harry K. Lowman
True Mackey
Damon Majors
John Martin
G. Lee McClain
Jack McPherron
Alton Mitchell
Archie R. Moore
Emmett G. Moore
Walter R. Moorman
Fred H. Morgan
C. S. Nabb
Dr. C. E. Palmore
James H. Polsgrove
Leonard W. Preston
Hobart Rayburn
W. R. Reasor
Carl J. Ruh
Amos Runyan
Dr. Roy Sanders
LeRoy Saylor
Roy Searcy
Paul E. Shannon
Gus Sheehan, Jr.
Jesse H. Shelton
Joseph T. Snapp
John M. Spaulding
J. Claude Stacy
Roy Steers
Raymond D. Stigall
Mrs. Thelma Stovall
W. R. Stringer
Egbert V. Taylor
M. G. Thompson
Rev. T. H. Tinsley
Ralph N. Walter
Fred M. Warns
Harry Lee Waterfield
Lyle H. Webb
Morris Weintraub
G. F. Williamson
Charles W. Wirsch
Adron Doran,
Speaker

Mr. Baer moved that leaves of absence be granted to Messrs. Hale, Helm, Holsclaw, Marshall, Shaw, and Smith.

Said motion was agreed to.

Mr. Spaulding moved that the rules be suspended and the privilege of the floor extended to Messrs. Stuart Lambert and Earl Patton.

Said motion was unanimously agreed to.

Mr. Baer moved that the rules be suspended and the privilege of the floor extended to Mesdames Ann Cox, Audrey Elzy, Mary Welsler, and Miss Charman Elzy.

Said motion was unanimously agreed to.

Mr. Hollan moved that the rules be suspended and the privilege of the floor extended to Mrs. Betty Ray Scott.

Said motion was unanimously agreed to.

Mr. Steers moved that the rules be suspended and the privilege of the floor extended to Mrs. Mary Neely Crowe and Mr. Bethel Crowe.

Said motion was unanimously agreed to.

Mr. Williamson moved that the rules be suspended and the privilege of the floor extended to Mrs. Robert Crowe.

Said motion was unanimously agreed to.

Mr. Moorman moved that the rules be suspended and the privilege of the floor extended to Mr. George Cline.

Said motion was unanimously agreed to.

Mr. Hubbard moved that the rules be suspended and the privilege of the floor extended to Mr. Harold Ford.

Said motion was unanimously agreed to.

Mr. Preston moved that the rules be suspended and the privilege of the floor extended to Mr. Ervin Wilson.

Said motion was unanimously agreed to.

Mr. Hollan moved that the rules be suspended and the privilege of the floor extended to Mrs. Jene Crow, and Mr. Fred Broadthkorb.

Said motion was unanimously agreed to.

Mr. Hollan moved that the rules be suspended and Cheri Chadwick Scott and Jene Louis Crow be made Honorary Pages for the day.

Said motion was unanimously agreed to.

Mr. Harris moved that the reading of the Journal of the proceedings of Wednesday, February 8, 1950, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Weintraub made the following motion:

"WHEREAS, it has become increasingly apparent that the educational needs of Kentucky are in such shape, the future welfare of our school children in the common schools is in serious danger and jeopardy; and

"WHEREAS, it is likewise apparent that the membership of this House of Representatives feels aware of this crying need and is sensitive to its obligation and duty, and is desirous of assisting the schools and the school children of this Commonwealth, in so far as the resources of the Commonwealth will permit, and so far as it will not interfere with the duties and obligations to all other citizens of this Commonowealth; and

"WHEREAS, it has been demonstrated and shown that the approach to this most serious question and problem is not the problem of one, two or three, or of a small group of legislators, but is the common problem of the entire membership of the General Assembly, which cannot be solved by piece-meal or selfish and individual bills, measures or resolutions, but must be solved on an over-all basis by all the legislators; and

"WHEREAS, it is commonly known that some measure of relief will be given to the common schools of Kentucky either at this session of the General Assembly or at a special session, which may be called either by a supplementary budget bill or otherwise, and in order that that problem may be solved as speedily as possible and in a true, Democratic manner, with all legislators performing the duties imposed upon them as the result of their respective offices,

"I, THEREFORE, MOVE MR. SPEAKER

"That the Committee on Appropriations, the Committee on Revenue and Taxation No. 1, and the Committee on Education No. 1, be and they hereby are directed to meet at such times as the House of Representatives is not in session for the express purpose of jointly considering each and every measure or bill heretofore introduced designed to raise additional or new sources of revenue for the purpose of appropriating same to the common school fund or to the welfare of the school children of this Commonwealth, and that said Committees either make a

specific report on each such bill or measure, or that through their joint and concerted consideration and efforts present to this House of Representatives a joint Committee report or measure recommending what, if any, new or additional tax measures or appropriations should be made concerning education in Kentucky, or such other report as said joint Committees deem proper; and that said joint Committee make its report to this House of Representatives on or before February 20th, 1950."

Mr. Weintraub moved the adoption of said written motion.

The yeas and nays being taken thereon were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	John Martin	Morris Weintraub
John D. Beatty	Leonard W. Preston	G. F. Williamson
L. E. Bradley	Harry Lee Waterfield	Charles W. Wirsch

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Those who voted in the negative were—

Bernam Adams	Mitchell S. Fannin	Walter R. Moorman
Edgar Arnett	C. A. Hammons	Fred H. Morgan
Sidney Baer	James P. Hanratty	C. S. Nabb
Clarence J. Barnum	George F. Harris	Dr. C. E. Palmore
C. E. Baumgardner	John A. Head	Hobart Rayburn
Leonard T. Bean	William K. Henry	W. R. Reasor
Fred Beshear	Ray Holbrook	Carl J. Ruh
R. O. Blevins	Woodrow W. Hollan	Roy Searcy
Edward O. Bridgers	W. M. Horn	Paul E. Shannon
Charles J. Bronston	Richard R. Houpt	Gus Sheehan, Jr.
J. D. Buckman, Jr.	Robert N. Hubbard	Jesse H. Shelton
Mrs. M. E. Burnett	Silas Jacobs	John M. Spaulding
Charles W. Burnley	Paul S. Jonas	J. Claude Stacy
Alex Calvert	Barkley Jones	Roy Steers
Stanley Carter	William Jones	Raymond D. Stigall
Paul Combs	Mrs. J. T. Linton	Mrs. Thelma Stovall
R. Josh Cosby	A. L. (Chick) Love	W. R. Stringer
Owen Deering	Harry K. Lowman	M. G. Thompson
G. I. Drury	True Mackey	Rev. T. H. Tinsley
Thomas R. Duncan	Damon Majors	Fred M. Warns

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Said motion was disagreed to.

Mr. Love moved that when the House adjourns today it adjourn to meet again at ten o'clock A.M., Friday, February 10, 1950.

Mr. Hanratty offered to amend said motion in that when the House adjourns today it adjourn to meet again on Tuesday, at eight o'clock P.M., February 14, 1950.

Mr. Hanratty moved the adoption of said amendment.

The yeas and nays being taken on said amendment were as follows:

Those who voted in the affirmative were—

Bernam Adams	Mitchell S. Fannin	C. S. Nabb
Edgar Arnett	James P. Hanratty	James H. Polsgrove
Sidney Baer	Paul E. Hayes	Hobart Rayburn
Clarence J. Barnum	John A. Head	W. R. Reasor
C. E. Baumgardner	William K. Henry	Amos Runyan
R. O. Blevins	Ray Holbrook	Jesse H. Shelton
Edward O. Bridgers	Woodrow W. Hollan	John M. Spaulding
Charles J. Bronston	Richard R. Houpt	J. Claude Stacy
J. D. Buckman, Jr.	Robert N. Hubbard	Raymond D. Stigall
Mrs. M. E. Burnett	Silas Jacobs	Mrs. Thelma Stovall
Charles W. Burnley	William Jones	W. R. Stringer
Alex Calvert	Jesse H. Lawrence	M. G. Thompson
Paul Combs	Mrs. J. T. Linton	Rev. T. H. Tinsley
R. Josh Cosby	Harry K. Lowman	Fred M. Warns
Owen Deering	G. Lee McClain	G. F. Williamson
G. I. Drury	Walter R. Moorman	—47

Those who voted in the negative were—

Bill Adams	Thomas R. Duncan	Paul S. Jonas
John D. Beatty	R. C. Estepp, Sr.	Barkley Jones
Fred Beshear	C. A. Hammons	James W. Lambert
L. E. Bradley	George F. Harris	Homer E. Losey
Thomas L. Britton	W. M. Horn	A. L. (Chick) Love
Stanley Carter	Durham W. Howard	True Mackey
B. H. Crider	Maurice G. Howard	Damon Majors

John Martin	Carl J. Ruh	Roy Steers
Jack McPherron	Dr. Roy Sanders	Egbert V. Taylor
Alton Mitchell	LeRoy Saylor	Ralph N. Walter
Emmett G. Moore	Roy Searcy	Harry Lee Waterfield
Fred H. Morgan	Paul E. Shannon	Morris Weintraub
Dr. C. E. Palmore	Gus Sheehan, Jr.	Charles W. Wirsch
Leonard W. Preston	Joseph T. Snapp	—41

Said motion was agreed to.

Mr. Love moved the adoption of said motion as amended.

The yeas and nays being taken on the adoption of said motion as amended were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	R. Josh Cosby	Harry K. Lowman
Edgar Arnett	Owen Deering	G. Lee McClain
Sidney Baer	G. I. Drury	Walter R. Moorman
Clarence J. Barnum	Mitchell S. Fannin	C. S. Nabb
C. E. Baumgardner	James P. Hanratty	James H. Polsgrove
Fred Beshear	John A. Head	W. R. Reasor
R. O. Blevins	William K. Henry	Amos Runyan
Edward O. Bridgers	Ray Holbrook	Jesse H. Shelton
Charles J. Bronston	Woodrow W. Hollan	J. Claude Stacy
J. D. Buckman, Jr.	Richard R. Houpt	Raymond D. Stigall
Mrs. M. E. Burnett	Robert N. Hubbard	Mrs. Thelma Stovall
Charles W. Burnley	Silas Jacobs	W. R. Stringer
Alex Calvert	Barkley Jones	M. G. Thompson
Stanley Carter	William Jones	Rev. T. H. Tinsley
Paul Combs	Mrs. J. T. Linton	G. F. Williamson
		—45

Those who voted in the negative were—

Leonard T. Bean	Maurice G. Howard	John Martin
Thomas L. Britton	James W. Lambert	Jack McPherron
R. C. Estepp, Sr.	Jesse H. Lawrence	Alton Mitchell
C. A. Hammons	Homer E. Losey	Archie R. Moore
George F. Harris	A. L. (Chick) Love	Emmett G. Moore
W. M. Horn	True Mackey	Fred H. Morgan
Durham W. Howard	Damon Majors	Dr. C. E. Palmore

Leonard W. Preston	Gus Sheehan, Jr.	Fred M. Warns
Carl J. Ruh	Joseph T. Snapp	Harry Lee Waterfield
LeRoy Saylor	Roy Steers	Morris Weintraub
Roy Searcy	Egbert V. Taylor	Charles W. Wirsch
Paul E. Shannon	Ralph N. Walter	—35

Said motion was agreed to.

Mr. Love moved that all members not voting on the motion as made by Mr. Hanratty be required to vote, or be excused from voting by the members of the House.

Without objection, said motion was withdrawn.

Mr. Steers moved for suspension of the rules for the purpose of making a motion.

Said motion was disagreed to by a majority of the members.

Thereupon, bills and a resolution of the following titles were introduced, viz:

By Mr. Baer.

H. B. No. 292. AN ACT relating to the practice of architecture.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new Section of the Kentucky Revised Statutes is created, to be numbered KRS 323.250, and to read as follows:

A partnership or firm may practice architecture and use the word architects in conection with the partnership or firm name, providing one of the members thereof is an architect licensed under this chapter, and providing the plans or specifications are prepared under the supervision of, and signed by an architect licensed under this chapter.

By Mr. Beshear.

H. B. No. 293. AN ACT relating to strip or open pit mining, and the conservation of natural resources as affected thereby.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. (1) The General Assembly finds that in many instances and under some circumstances and conditions the mining of coal by the strip or open pit method causes soil erosion, stream pollution, the accumulation of stagnant water and the seepage of contaminated water, increases the likelihood of floods, destroys the value of land for agricultural purposes, counteracts efforts for the conservation of soil, water and other natural resources, destroys or impairs the property rights of citizens, creates fire hazards, and in general creates hazards dangerous to life and property, so as to constitute an imminent and inordinate peril to the welfare of the Commonwealth. The General Assembly further finds that there are wide variations in the circumstances and conditions surrounding and arising out of the mining of coal by the strip or open pit method, due primarily to differences in topographical and geological conditions, and by reason thereof it is necessary, in order to provide the most effective, beneficial and equitable solution to the problem, that a broad discretion be vested in the authority designated to administer and enforce the regulatory provisions enacted by the General Assembly. The General Assembly further finds that other commercial activities involving the removal of minerals and other natural substances other than coal from the earth by strip or open pit methods occasionally cause conditions or create results of the character enumerated above, but that no imminent or inordinate peril presently exists by reason thereof. Therefore, it is the purpose of this Act to provide such regulation and control of the mining of coal by the strip or open pit method as to minimize its injurious effects as much as may be reasonably possible, without at the same time placing an unreasonable burden on the business of recovering coal by the strip or open pit method, it being found by the General Assembly that this method

of recovering coal permits and assists the conservation and recovery of coal which would not otherwise be recoverable.

(2) It is hereby declared to be the policy of the Commonwealth of Kentucky to encourage the recovery of coal by strip or open pit mining, it being recognized that strip or open pit mining permits the recovery of coal not recoverable by other methods of mining, and it shall be the duty of the Commission to administer this Act in a reasonable and practical manner and in such manner as to cause no unreasonable hardship upon the operators of strip mining plants and the Commission shall take into consideration the value of the lands on which such strip operations have been or are to be conducted as they were or are before the beginning of such operations for agricultural and timber purposes and the actual value of such lands shall always be compared by the Commission with the amount required to comply with the maximum requirements of this Act, the primary purpose of this Act being to protect adjoining land owners from unreasonable hardships in connection with such operations.

Sec. 2. There hereby is created a "Strip Mining and Reclamation Commission," which shall constitute an independent agency of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes, and which shall be composed of the Commissioner of Conservation, serving as chairman, the Chief of the Department of Mines and Minerals, and the Director of Strip Mining and Reclamation provided for in Section 3 of this Act. The members of the commission, other than the Director of Strip Mining and Reclamation, shall receive no compensation for their services on the commission, but shall be reimbursed for their actual and necessary expenses incurred in performing their functions. The commission shall meet from time to time on the call of the chairman or of the Director of Strip Mining and Reclamation.

Sec. 3. The Director of Strip Mining and Reclamation shall be appointed by the Governor for a term not to exceed four years. The director shall receive a salary to be fixed by the Governor, and shall be reimbursed for actual and necessary expenses incurred in the performance of his duties. He shall be the executive officer of the commission and shall have super-

vision of the commission staff. The commission shall have power to employ such personnel as may be required to carry out the purposes of this Act. However, the services and facilities of other state agencies, within the scope of their regular functions, shall be utilized as far as possible to minimize the personnel requirements of this Act.

Sec. 4. The Strip Mining and Reclamation Commission shall prescribe reasonable rules and regulations within the scope of this Act to accomplish the purposes of the Act, but no such rule or regulation shall require of any permit holder any work or duty not specified in Section 6 hereof. Any member of the commission or any employe delegated by the director shall have the right to enter upon any premises where strip or open pit mining of coal is being conducted or has been conducted for the purpose of inspection or enforcement.

Sec. 5. (1) Except as provided in subsection (5) of this section, no person, after sixty days from the effective date of this Act, shall engage in the mining of coal by the strip or open pit method, as a principal or operator or proprietor of the operation, without first having obtained from the Strip Mining and Reclamation Commission a permit therefor, designating the acreage upon which the operation is authorized to be conducted, and no operation shall be conducted upon any land other than that covered by a permit.

(2) The person desiring a permit shall file an application stating:

(a) The location and area of the land to be covered by the permit as shown on a map or plat filed with the application. The area covered by the permit shall include only the land containing the coal to be mined and recovered.

(b) The owner or owners of the surface of the land.

(c) The owner or owners of the coal to be mined.

(d) The source of the applicant's legal right to enter and mine the coal on the land to be covered by the permit.

(e) The permanent and temporary post office addresses of the applicant.

(f) Whether the applicant holds any other permits under this Act and an identification thereof.

(3) Before a permit is issued the applicant shall file with the commission a bond payable to the Commonwealth, with satisfactory security in the penal sum of not less than fifty dollars for each acre or fraction thereof to be covered by the permit conditioned for the faithful performance of the requirements set forth in Section 6 of this Act. The Commission may require bond to be in a penal sum in excess of fifty dollars as may be deemed necessary to accomplish the purpose for which the bond is required, taking into consideration the character and suitable use of the land involved, its fair market value and the estimated cost of complying with the provisions of Section 6 of this Act, but the total bond shall not exceed the sum of fifty dollars or twice the fair market value of the face of the land to be stripped for each acre or fraction thereof to be covered by the permit whichever is the greater amount.

(4) Upon the filing of a proper application and bond, and upon payment by the applicant of a basis fee of fifty dollars, the commission shall issue the requested permit.

(5) This Act shall not apply to any operator who produces, through the mining of coal by the strip or open pit method, less than 250 tons of coal in any twelve-month period, and this Act shall not apply to any operator who produces and mines coal by the strip or open pit method as an incident to the construction of tram roads, entries to underground workings and other improvements and preparation for mining coal by other than the open pit or strip method.

Sec. 6. Within the time specified in Section 7 of this Act, any person who has carried on strip or open pit mining operations under a permit issued pursuant to this Act shall:

(1) When practicable cover the face of the coal.

(2) Seal off, with an earth fill, any break-through to underground working in the coal.

(3) To the extent required by regulation of the Strip Mining and Reclamation Commission, drain the surface involved

in the mining operation, and provide such outlets as may be necessary to conduct storm and seepage waters from the surface to a permanent stream or stream bed with as little erosion as possible.

(4) Remove all metal, lumber and other foreign refuse resulting from the operation.

(5) In the case of lands which, prior to the mining operation, were suitable for agricultural or grazing purposes, regrade, in a manner approved by the Strip Mining and Reclamation Commission, the overburden or the other strata removed from the coal so as to refill any ditches, trenches or excavations made in the mining operation and restore the surface of the land to a reasonable contour, so as to minimize the hazards of floods, pollution of streams and water, accumulation of stagnant water, and the loss of soil for agricultural or grazing purposes but where contour or hilltop stripping is being performed the spoil which is deposited below the elevation of the seam being mined need not be replaced in any land whether or not in use as and suitable for agricultural or grazing purposes.

(6) Where necessary to prevent erosion or to restore the productive qualities of the soil, plant trees, shrubs, grasses or vines upon lands affected, in accordance with regulations in respect to the time and manner of planting, and the type and quantity of fertilizer and lime to be used, prescribed by the Strip Mining and Reclamation Commission. The owner of the surface shall be entitled to his choice of varieties among the trees, shrubs, grasses or vines prescribed by the commission.

Sec. 7. If the things required by Section 6 of this Act are not done within two years after the date of issuance of the permit, the Strip Mining and Reclamation Commission shall cause a notice of noncompliance to be served upon the holder of the permit, by registered mail addressed to the permanent address shown on the application for the permit, specifying in what respects the holder has failed to comply. If, within forty days after the mailing of the notice, the holder of the permit has not fully complied with the requirements or diligently and in good faith prosecuted the work of complying, the permit shall be revoked and the performance bond shall be forfeited, provided

that the permit holder shall be entitled to a hearing on the forfeiture of the bond and to an appeal from the determination of the Commission thereon as provided in Section 15 hereof.

Sec. 8. If the operator, land owner, or coal owner, including the lessee, desires to conduct drift mining operations upon premises covered by a strip mining permit, he may designate drift locations, and also outside haulageways along the exposed face of the coal, at which places it will not be necessary to replace the overburden during such time as bona fide drift mining operations are being carried on.

Sec. 9. The holder of a permit under this Act may file application with the Strip Mining and Reclamation Commission for an order authorizing him to reclaim and rehabilitate, in accordance with the provisions of Section 6 of this Act, a different area of land in lieu of that covered by his permit. Such different area of land must be land affected by strip or open pit mining of coal, of not less acreage than the land covered by the permit, and must be of a character and have a reclaimable value similar to the land covered by the permit. The application shall identify the different area of land and shall be accompanied by a map or plat showing its location, area and boundaries. The application shall also be accompanied by the written consent of the owner of the different area of land, to the proposed reclamation work, and by the written consent of the owner of the land covered by the permit, to release of the permit holder from his obligation to reclaim the land covered by the permit. The commission may grant such application, in its discretion, and upon issuance of an order granting the application, the permit holder shall reclaim, in accordance with the provisions of Section 6 of this Act, the land described in the application, and shall be relieved of his obligation to reclaim the land covered by the permit.

Sec. 10. The holder of a permit under this Act may, at any time during the time the permit is in force, apply to the Strip Mining and Reclamation Commission for an amendment of the permit so as to reduce or increase the acreage covered by the permit. In the case of an application for reduction of acre-

age, the application shall identify the land desired to be released from the permit, and the applicant shall present proof that he has not conducted strip or open pit mining on such land; and if the commission finds that the application should be granted, it shall amend the permit accordingly, and execute a partial release of the performance bond in proportion to the released land. An application for an increase of acreage to be added to the permit shall be allowed to cover any additional area which can be operated as part of the operation covered by the original permit. Such application shall be in the same form as an original application for a permit. The applicant shall be required to pay a fee of ten dollars for the amendment and shall be required to file a supplemental bond covering the additional land.

Sec. 11. When a bond is forfeited pursuant to the provisions of Section 7 of this Act, the Director of Strip Mining and Reclamation shall give notice thereof to the Attorney General, who shall collect the forfeiture without delay.

Sec. 12. All sums received through the payment of fees or the forfeiture of bonds shall be placed in the State Treasury and credited to a special agency fund account to be designated as the "Strip Mining and Reclamation Fund." This fund shall be available to the Strip Mining and Reclamation Commission for expenditure in the enforcement and administration of this Act and for the purpose of reclaiming and rehabilitating lands upon which strip mining operations have been conducted. The salaries and expenses authorized by this Act shall be paid out of this fund upon voucher of the Director of Strip Mining and Reclamation.

Sec. 13. The Strip Mining and Reclamation Commission shall cause to be reclaimed and rehabilitated, in accordance with the standards set forth in Section 6 of this Act, land with respect to which the permit holder has not complied with the requirements of Section 6. For this purpose, the commission may use moneys in the Strip Mining and Reclamation Fund, and may avail itself of any services that may be provided by other state agencies or by the federal government. The commission may cause the reclamation and rehabilitation work to be done

through contracts with qualified persons, such contracts to be awarded to the lowest and best bidder upon competitive bids after reasonable advertisement. The commission and any other public agency cooperating with the commission, and any contractor under a contract with the commission, shall have the right of access to the land for the purpose of this section. So far as practicable, moneys received from bond forfeiture shall be expended upon the lands to which the bond applied.

Sec. 14. When any permit holder has completed his operations under a permit and has complied with the provisions of Section 6 of this Act, the Director of Strip Mining and Reclamation, on proof of such compliance and surrender of the permit, shall issue to the permit holder a certificate of release, whereupon the bond given by the permit holder shall be discharged and the surety therein released.

Sec. 15. Any person aggrieved by any order, determination, ruling or regulation of the Strip Mining and Reclamation Commission, or of the Director of Strip Mining and Reclamation, may, within thirty days after the issuance thereof, apply to the commission for a review thereof. The commission shall, as soon as practicable, review the matter, hear the parties, their representatives and witnesses, and make a final order, determination, ruling or regulation, a copy of which shall be mailed to the interested parties. Within twenty days after the mailing of final order, determination, ruling or regulation, any person aggrieved thereby may appeal therefrom, on any question of law, or facts, or both, to the circuit court of the county in which the land in question is located. The petition shall state fully the ground upon which a review is sought, assign all errors relied on, and be verified by the petitioner. Two copies of the petition shall be filed with the commission on the day it is filed with the clerk of the circuit court. The petitioner shall file as a part of his petition the record before the commission, including all the pleadings, orders and such parts of the evidence as he believes necessary to develop the points involved. The commission may certify other portions of the evidence. To facilitate adjudication of the matter the commission shall furnish to the petitioner on payment of a reasonable fee to be fixed by the commission, a

certified copy of such parts of the record as he may require. The case shall then be heard by the court on the record, except that either party may introduce evidence of fraud. Except as otherwise expressly provided, the provisions of the Civil Code shall govern procedure involving appeals from any order, determination, ruling or regulation of the commission, to the circuit court and Court of Appeals. The forfeiture of the bond and other penalties provided in this Act shall not be invoked pending any appeal under the provisions of this Act and for sixty days after the final determination of such appeal. And the permit holder shall not be deemed in violation of this Act during such period.

Sec. 16. (1) The Director of the Strip Mining and Reclamation Commission may institute injunction proceedings against repeated violations of Section 5 of this Act in the circuit court of any county where such violations occur, and the court shall have jurisdiction to award temporary and permanent injunctions against any violations of Section 5 upon a showing of violation after notice thereof by the director.

(2) Any person who willfully misrepresents any fact or willfully gives false information in any application under this Act shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

Sec. 17. To carry out the purposes of this Act, there is appropriated to the Strip Mining and Reclamation Commission, out of the General Expenditure Fund in the State Treasury, the sum of $5,000 for the balance of the 1949-1950 fiscal year, $15,000 for the 1950-1951 fiscal year, and $15,000 for the 1951-1952 fiscal year.

Sec. 18. This Act shall be known as "The Strip Mining and Reclamation Act."

By Mr. Buckman.

H. B. No. 294. AN ACT amending Section 44.050 of Kentucky Revised Statutes, relating to the purchase and use of motor passenger vehicles out of state funds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 44.050 of the Kentucky Revised Statutes is amended to read as follows:

44.050. Motor Vehicles, when may be purchased out of state funds.

(1) No state officer or member of a board or commission created by the laws of this state shall purchase or contract to purchase any motor passenger vehicle on behalf of or for the account of the state, or for the use of any state officer or any member, agent or employe of any board or commission created by the laws of this state, or for the use of any person engaged in performing services for this state, except vehicles necessary for the use of the Governor, the Lieutenant-Governor when acting as Governor, the Department of Highways and its employes, the head and the inspectors of the Department of Mines and Minerals, the Adjutant General of the Department of Military Affairs, the Department of State Police and its employes, the Department of Conservation and its employes, and other departments and agencies of the state certified in writing by the Commissioner of Finance, with the approval of the Governor, as requiring the use of motor passenger vehicles to carry out their functions, nor shall any payments be made for the purchase of such vehicles, except those permitted by this section, out of state funds or money paid into the State Treasury.

(2) No person except those authorized by this section shall use or operate any passenger motor vehicle owned by the State.

(3) The Department of Military Affairs is hereby authorized to purchase from state funds motor trucks to be used in the carrying out of the functions of this department, and it is further provided that the Department of Military Affairs may acquire motor vehicles by gift or transfer from the Federal Government for use in said department.

By Mr. Holbrook.

H. B. No. 295. AN ACT relating to the practice of medicine.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Any person who has been engaged in the practice of medicine for a period of forty years or more prior to the effective date of this Act and who presents affidavits from two reputable licensed members of the medical profession, who practice in the same general locality with him and who know his professional qualifications, to the effect that he is qualified to be a member of the medical profession, upon application to the State Board of Health and the payment to the Board of a fee of twenty-five dollars, shall be entitled to a license, and said Board shall issue to such applicant a license on the standard form used and approved by the Board, signed by its president and secretary and authenticated by its seal, which license he shall have recorded in the office of the county court clerk of the county in which he resides, as provided in KRS 311.090.

Sec. 2. Any person issued a license under the authority of this Act shall not be liable to prosecution under subsection (1) of KRS 311.990 for practice of medicine without a license at a time prior to the issuance of the license.

H. B. No. 296. AN ACT providing for a mortgage lien in favor of holders of revenue bonds issued under KRS 58.010 to 58.140.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There shall be and there is hereby created a statutory mortgage lien upon the buildings, land, and appurtenances acquired under KRS 58.010 to 58.140 to and in favor of the holders of bonds issued under KRS 58.010 to 58.140. The

buildings and land so acquired and the appurtenances thereto, shall remain subject to such statutory lien until the payment in full of the principal and interest of the bonds. Any holders of said bonds or of any of the coupons may, either at law or in equity, protect and enforce the statutory mortgage lien hereby conferred and may by suit, action, mandamus or other proceedings enforce and compel performance of all duties required by KRS 58.010 to 58.140.

By Mr. Spalding.

H. B. No. 297. AN ACT relating to judicial districts, creating an additional district and making changes in the apportionment of counties to the second, third, fourth, sixth, seventh, and thirty-eighth districts in order to comply with the meaning and intent of the Constitution, etc.

Said bill is as follows, viz:

WHEREAS, the General Assembly has given due regard to the elements of territory, business and population in the division of the State into judicial districts; and

WHEREAS, with such due regard, the General Assembly has found the following facts to exist:

1. That the entire population of the State as of the last preceding Federal Census is 2,845,627.

2. That upon the basis of such population, additional judicial districts may be established to those now existing, pursuant to Sections 128, 132, and 138 of the Constitution.

3. That the Counties of McCracken and Daviess each contain a city of more than 20,000 inhabitants, and each has a population, including said cities, of more than 40,000, and thus each has the privilege, under Section 138 of the Constitution, of constituting a judicial district.

4. That it will be convenient and advantageous from the standpoint of territory, and will comply with the spirit and intent of the Constitution, with respect to population, and will

expedite the business of the courts in the counties involved to create a new judicial district to consist of the Counties of Livingston, Marshall and Calloway, and to change the third, fourth, seventh, and thirty-eighth districts, so they will consist of the following counties:

Third District—Christian, Lyon and Trigg.

Fourth District—Caldwell, Crittenden, Hopkins and McLean.

Seventh District—Muhlenberg, Logan, Simpson, and Todd.

Thirty-eighth District—Hancock, Ohio, Butler and Edmonson.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The second, third, fourth, sixth, seventh, and thirty-eighth judicial districts shall hereafter be composed of the following Counties:

Second District—McCracken.

Third District—Christian, Lyon and Trigg.

Fourth District—Caldwell, Crittenden, Hopkins and McLean.

Sixth District—Daviess.

Seventh District—Muhlenberg, Logan, Simpson and Todd.

Thirty-eighth District—Hancock, Ohio, Butler and Edmonson.

Sec. 2. A new judicial district is eestablished to be numbered the 42nd Judicial District, and to consist of the Counties of Livingston, Marshall and Calloway.

Sec. 3. The present circuit judges and Commonwealth's attorneys for the second, third, fourth, sixth, seventh, and thirty-eighth judicial districts as now constituted, shall retain their respective offices for the terms for which they were elected, for the said districts as they have been changed under this Act.

Sec. 4. The offices of circuit judge and Commonwealth's attorney for the new judicial district established by this Act, being the 42nd judicial district, are hereby created. Until the regular election for circuit judges and Commonwealth's attorneys in 1951, said offices shall be filled as provided in Section 152, of the Constitution for offices in which there is a vacancy.

Sec. 5. The regular term of each court in the judicial districts dealt with by this Act shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed.

Second District. McCracken County, at Paducah, continuous session.

Third District. Christian County, at Hopkinsville, on the fourth Monday in February, thirty-six juridical days; on the first Monday in June, twenty-four juridical days; and on the fourth Monday in September, thirty-six juridical days.

Lyon County, at Eddyville, on the first Monday in May, on the third Monday in August, and on the first Monday in December, twelve juridical days each.

Trigg County, at Cadiz, on the fourth Monday in January, twenty-four juridical days; on the third Monday in May, twelve juridical days; and on the first Monday in September, eighteen juridical days.

Fourth District. Caldwell County, at Princeton, on the fourth Monday in February, twelve juridical days; on the first Monday in June, and on the second Monday in November, eighteen juridical days each.

Crittenden County, at Marion, on the third Monday in March and on the second Monday in July, eighteen juridical days each; on the second Monday in December twelve juridical days.

Hopkins County, at Madisonville, on the fourth Monday in January, on the first Monday in May, and on the second Monday in October, twenty-four juridical days each.

McLean County, at Calhoun, on the first Monday in January, on the third Monday in April, and on the fourth Monday in June, and on the third Monday in September twelve juridical days each.

Sixth District. Daviess County, at Owensboro, continuous session.

Seventh District. Muhlenberg County, at Greenville, on the first Monday in January, twenty-four juridical days; on the second Monday in April, eighteen juridical days; and on the first Monday in September, twenty-four juridical days.

Logan County, at Russellville, on the first Monday in February, on the first Monday in May, and on the first Monday in October, twenty-four juridical days each.

Simpson County, at Franklin, on the first Monday in March, eighteen juridical days; on the first Monday in June, twenty-four juridical days; and on the second Monday in November, eighteen juridical days.

Todd County, at Elkton, on the fourth Monday in March, eighteen juridical days; on the first Monday in July, twenty-four juridical days; and on the first Monday in December, eighteen juridical days.

Thirty-eighth District. Hancock County, at Hawesville, on the third Monday in February, on the first Monday in June, and on the fourth Monday in October, twelve juridical days each.

Ohio County, at Hartford, on the first Monday in April, on the third Monday in July, and on the first Monday in October, and on the first Monday in December, twelve juridical days each.

Butler County, at Morgantown, on the first Monday in March, on the third Monday in June, and on the first Monday in November, twelve juridical days each.

Edmonson County, at Brownsville, on the third Monday in March, on the first Monday in July, and on the third Monday in November, twelve juridical days each.

42nd District. Livingston County, at Smithland, on the second Monday in May, on the first Monday in September, and on the first Monday in December, eighteen juridical days each.

Marshall County, at Benton, on the first Monday in March, twelve juridical days; on the fourth Monday in June, eighteen juridical days; and on the second Monday in October, twelve juridical days.

Calloway County, at Murray, on the second Monday in February, twenty-one juridical days; on the first Monday in August, eighteen juridical days; and on the first Monday in November, twenty-one juridical days.

Sec. 6. In order not to disturb any term of court in the districts dealt with by this Act, this Act shall not take effect until September 1st, 1950.

H. B. No. 298. AN ACT relating to public ways in cities of the second class having the commission form of government.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the statutes is created to be numbered KRS 94.422 and to read as follows:

Subject to the provisions of KRS 94.410, and as an alternate method to KRS 94.420, cities of the second class, having the commission form of government, shall have full power to construct, reconstruct, repair, widen, and light, any public street, sidewalk, alley, avenue, road, lane, highway, or thoroughfare, using the employes and equipment of its Department of Public

Works, or City Street Department, for such purpose, the cost thereof to be assessed and collected in the same manner as provided by any plan under KRS 94.290 through 94.490.

H. B. No. 299. AN ACT relating to improvement of public ways and alleys, including curbs and gutters, in cities of the second class having the commission form of government.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the statutes is created, to be numbered KRS 94.292 and to read as follows:

(1) This section is an alternate method for the improvement of public ways and alleys, including curbs and gutters, by any city of the second class, having the Commission form of Government, in addition to any other method authorized by statute.

(2) The city legislative body in cities of the second class, having the Commission form of Government may, by ordinance, provide for the improvement of public ways and alleys, including curbs and gutters.

(3) The improvement contemplated herein may be made by the cities of the second class, having the Commission form of Government, at the exclusive cost of the owners of real estate abutting the improvement, to be apportioned among and assessed upon the lots or parcels of real estate abutting on the improvement according to the number of front or abutting feet.

(4) A tax shall be levied upon the lots or parcels of real estate for the payment of the cost assessed thereon, which tax shall be payable at the city treasurer's office. No property shall be exempt from the improvement tax. Any tax that is not paid within thirty days after it becomes due shall have added thereto a penalty of ten percent. There shall be a lien upon the real estate for the part of the improvements assessed thereon, and

the tax shall bear interest at six percent per annum from the time of assessment until paid and the tax bills for the special assessments may, in addition to the other remedies given, be sold and collection enforced in the manner provided by law for the collection of other municipal taxes.

(5) The city legislative body shall elect whether the cost of the improvements shall be paid one-half when construction begins and the remainder when the work is half completed, in same manner as provided in subsection (1) of KRS 94.300, or whether the tax for the cost shall be paid in full when the improvement has been completed, in the same manner as provided in subsection (1) of KRS 94.310. If the city legislative body elects that the cost of improvement shall be paid in full when the improvement has been completed, a ten-year bond plan may be adopted.

By Mrs. Stovall and Mr. Lowman.

H. B. No. 300. AN ACT relating to school teachers; amending Section 161.790 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 161.790 of the Kentucky Revised Statutes is amended to read as follows:

(1) The contract of a teacher shall remain in force during good behavior and efficient and competent service by the teacher and shall not be terminated except for any of the following causes:

(a) Insubordination, immoral character or conduct unbecoming a teacher;

(b) Inefficiency, incompetency, physical or mental disability or neglect of duty. Marriage of a teacher shall not be cause for termination of the contract.

(2) No contract shall be terminated except upon recommendation of the superintendent and unless the teacher is furnished with a written statement, served on or before March 31st, specifying in detail the charge or charges against said teacher, signed by the proper officer of the Board of Education and naming a date and place at which the teacher may appear before the Board of Education and answer said charge or charges. Said date for the hearing shall not be less than twenty nor more than thirty days after the service of such charges upon the teacher. The teacher shall within ten days after receipt of the written statement of such charges notify the Board of Education of his intention to appear and answer such charges, and failure of the teacher to give such notice the Board of Education may dismiss the teacher by a majority vote and such dismissal shall be final.

(3) Upon receipt of the teacher's notice of intention to appear and answer such charges the Board of Education shall issue such subpoenas as shall be necessary for the determination of the issues involved. The issues shall be heard at the time and place set and the hearing shall be public or private at the discretion of the teacher. Both parties may be represented by counsel and may require the presence of witnesses upon subpoena. Each witness shall be required to take oath or affirmation before an officer of the Board of Education. The Board of Education shall provide for a stenographic report of the proceedings and furnish the teacher with a copy. Upon completion of both sides of the case the Board of Education may be a majority vote dismiss the teacher or may defer its action for not more than five days.

(4) The Board of Education may, on recommendation of the superintendent, suspend a teacher pending a final action to terminate his contract if, in its judgment, the character of the charges warrants such action. If after the hearing the decision of the Board is against termination of the contract, the suspended teacher shall be paid his full salary for the period of such suspension.

(5) The teacher shall have a right to make an appeal both as to law and as to fact to the circuit court. If said appeal

is not made within thirty days after dismissal, then the decision of the Board of Education shall be final. Such appeal shall be an original action in said court and shall be commenced by the filing of a petition against such Board of Education stating the allegations upon which the teacher relies for a reversal or modification of the order of termination of the contract. Upon service or waiver of summons to said appeal, such Board of Education shall forthwith transmit to the clerk of said court for filing a transcript of the original notice of charges and a certified copy of the decision, finding, or order of such Board, whereupon the cause shall be at issue without pleading and shall be advanced and heard without delay. The trial and hearing of such shall be de novo, and the evidence admissible shall not be limited to the evidence adduced before said Board, but the court shall consider other evidence in addition thereto. Upon final hearing the court shall grant or deny the relief prayed for in the petition, as may be proper under the provisions of KRS 161.720 through 161.810 and in accordance with the evidence adduced at the trial. A jury may be called by either party to decide on conflicting evidence. Either the teacher or the Board of Education may appeal from the action of the circuit court to the Court of Appeals.

H. B. No. 301. AN ACT relating to school teachers; amending Section 161.760 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 161.760 of the Kentucky Revised Statutes, is amended to read as follows:

(1) Each board of education shall cause notice to be given in writing annually not later than August 1 to each teacher who holds a contract valid for the succeeding school year stating the best estimate as to the salary to be paid such teacher during the year. Such salary shall not be lower than the salary paid during the preceding school year unless such reduction be a part of a

uniform plan affecting the entire school district. Nothing herein shall prevent increases of salary after the abovementioned annual notice has been given.

(2) No teacher without his or her consent in writing and acknowledged may be transferred, assigned, or reassigned to a position for which he or she has not had adequate training. A major or minor of college credits in the subject or subjects to which any is so transferred, assigned, or reassigned, shall be considered adequate training.

By Messrs. Duncan and Runyan.

H. B. No. 302. AN ACT relating to teachers' retirement allowances, increasing the minimum allowance and appropriating the necessary sums for that purpose.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsection (3) of Section 161.620 of the Kentucky Revised Statutes is amended to read as follows:

> Effective July 1, 1950, and including living retired members and members who retire subsequently, no retirement allowance shall be less than one hundred dollars per year and not less than sixteen dollars per service credit year at the time of retirement, but such total minimum allowance shall not be more than four hundred and eighty dollars per year. Any retirement allowance which has been or will be computed to be less than this minimum shall be increased to said minimum.

Sec. 2. In order to carry out the purposes of Section 161.620 of the Kentucky Revised Statutes, as amended, there hereby is appropriated, out of the General Expenditure Fund in the State Treasury the sum of $120,000 for the fiscal year 1950-1951 and the sum of $130,000 for the fiscal year 1951-1952.

Sec. 3. This Act shall take effect on July 1, 1950.

By Mr. Shannon.

H. B. No. 303. AN ACT amending the law relating to holidays, so as to include as a holiday St. Patrick's Day (March 17).

Said bill is as follows, viz:

WHEREAS, Ireland, the Emerald Isle, is justly famed in history, story and song, and

WHEREAS, this great country has taken its rightful place in the nations of the world, and

WHEREAS, thousands of its fair daughters and noble sons came to the United States of America, contributing to its wealth of statesmen, artists, singers, writers and pugilists, and

WHEREAS, the great St. Patrick, Patron Saint of Ireland is revered by those who appreciate Ireland, it is fitting and proper that his birthday be recognized as a public holiday.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 2.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The 1st day of January (New Year's Day), the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the 22nd day of February (Washington's Birthday), the 17th day of March (St. Patrick's Day), the 30th day of May (Memorial Day), the 3rd day of June (Confederate Memorial Day), the 4th day of July (Independence Day), the first Monday in September (Labor Day), the 12th day of October (Columbus Day), the 11th day of November (Armistice Day), the 25th day of December (Christmas Day) of each year, and all days appointed by the President of the United States or by the Governor as days of thanksgivings, are holidays, on which all the public offices of this Commonwealth may be closed; and shall be considered as Sunday for all purposes regarding the presenting

for payment or acceptance, and of protesting for and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, placed by law upon the footing of bills of exchange. If any of the days named as holidays occur on Sunday, the next day thereafter shall be observed as a holiday but bills of exchange or other papers may be presented for payment or acceptance on the Saturday preceding the holiday and proceeded on accordingly.

(2) No person shall be compelled to labor on the first Monday in September (Labor Day) by any person.

Sec. 2. Whereas, a proper respect for the memory of St. Patrick requires that provisions be made immediately for perpetuating his memory, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Horn.

H. B. No. 304. AN ACT relating to tobacco; regulating and restricting the varieties and types of tobacco that may be grown in Kentucky; declaring the public policy of the Commonwealth of Kentucky with respect thereto; providing penalties for violation of the Act; and prescribing rules, standards and means for the enforcement of the Act, and declaring an emergency.

Said bill is as follows, viz:

WHEREAS, the growing and marketing of tobacco produces for the farmers of Kentucky the largest cash income of any crop produced in Kentucky, and,

WHEREAS, more Burley tobacco is produced and marketed in Kentucky than in any other state, and the production and marketing of Burley tobacco is of vital economic importance to the citizens of Kentucky, and,

WHEREAS, under the Federal Agricultural Adjustment Act of 1938 as amended, the Congress of the United States has determined and declared that the public welfare requires that the production and marketing of tobacco should be regulated

and quotas established in conformity with the provisions of said Act, and,

WHEREAS, the principal types of tobacco grown in Kentucky are Type 31 known as Burley tobacco, Types 22, 23, 24, 35, 36, and 37, known as Fire Cured and Dark Air-Cured tobacco, and,

WHEREAS, the above mentioned types of tobacco are the only types of tobacco grown in Kentucky which are under quotas, quota restrictions and support prices established pursuant to and in compliance with the acts of Congress and the regulations promulgated pursuant thereto, and,

WHEREAS, the classification of tobacco according to type, grade and other characteristics affects the price received therefor by the producers, and,

WHEREAS, uniform standards of type, grade and other characteristics needs to be established by law to prevent manipulation and evasion which if permitted would unreasonably and adversely affect the price received by tobacco growers in Kentucky to the detriment of such growers and to the detriment of the general welfare of the people of Kentucky, and,

WHEREAS, the classification of tobacco according to type, grade and other characteristics and the use and application of uniform standards of such classification and inspection are imperative for the protection of growers and the protection of public interest of the people of Kentucky, and,

WHEREAS, the growing, marketing and manufacture of tobacco constitutes one of the basic industries of Kentucky and stable conditions therein are necessary to the general welfare of Kentucky, and,

WHEREAS, the farmers producing tobacco are subject in their operations to uncontrollable natural causes and in many cases such farmers carry on their operations on borrowed money and upon leased lands, and,

WHEREAS, the growing in Kentucky of any type or variety or crosses of tobacco which is not grown or marketed under said quotas will jeopardize the profitable production of tobacco now

being grown and marketed in Kentucky under and pursuant to quotas, support prices and other provisions of the Federal Agricultural Adjustment Act of 1938 as amended by creating or tending to create abnormally excessive supplies of tobacco, and,

WHEREAS, the growing of tobacco in Kentucky of types or varieties other than those hereinabove specifically set forth reasonably may result in the adulteration and mixing of seeds which would adversely affect the growing of tobacco in Kentucky and the quality and marketability of the tobacco grown in Kentucky; and, the cross-pollination of other types or varieties of tobacco with the types hereinabove referred to reasonably may result in great and irreparable damage and loss of income to the farmers in Kentucky who grow the above mentioned types of tobacco, and,

WHEREAS, the foregoing recitals of fact having been found to be true by the General Assembly of the Commonwealth of Kentucky, now in order to protect the public interest and to protect and promote the general welfare of Kentucky, the General Assembly of the Commonwealth of Kentucky has determined that the following should be enacted into law.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Definitions: When used in this Act, "person" includes individuals, partnerships, associations and corporations, both singular and plural. "Tobacco" means tobacco in its unmanufactured form. "Type 31" means all types, crosses or varieties of tobacco known as Burley tobacco. "Types 22, 23, 24, 35, 36, and 37" shall mean the types presently known and recognized as Fire Cured and Dark Air-Cured tobacco.

2. It shall be unlawful for any person to plant, raise or grow in Kentucky any type or variety of tobacco other than Type 31, Type 22, 23, 24, 35, 36, and 37 within a distance of three miles from the nearest point where either of the Types 31, 22,

23, 24, 35, 36 or 37 is being grown or may be grown in any year. Provided, however, that:

(1) Other types or varieties of tobacco may be grown for experimental purposes by or under the supervision of the College of Agriculture of the University of Kentucky upon lands owned by the Commonwealth of Kentucky or any of its departments, divisions or agencies, but any such type or variety of tobacco so grown for experimental purposes shall be adequately supervised under rules and regulations promulgated by said College of Agriculture and approved by the Board of Trustees of the University of Kentucky to prevent any of said tobacco so grown from producing seed which (a) may by cross-pollination or otherwise result in the adulteration or crossing with any of the aforesaid authorized types of tobacco, and (b) to prevent any of the seed produced from such other types or varieties so grown for experimental purposes from inadvertently or otherwise getting into the possession of any person other than the Dean of the College of Agriculture of the University of Kentucky or his duly authorized agents.

(2) The regulations above referred to shall provide ample and adequate protection against cross-pollination and against the mixing of seeds with either of the above mentioned types, and

(3) All seed produced from any type or variety of tobacco grown for experimental purposes by or under the supervision of the College of Agriculture of the University of Kentucky shall be fully safeguarded during the growth thereof and after the ripening thereof to prevent any probability of cross-pollination with other types or varieties of tobacco above mentioned and to prevent such seed from falling into the hands of any unauthorized person.

3. No person now or hereafter employed by the College of Agriculture or by Kentucky Experiment Station or by any

other institution, department or agency of the Commonwealth of Kentucky shall aid or assist any other person in obtaining tobacco seed for the growing of any tobacco other than types 31, 22, 23, 24, 35, 36, or 37. All tobacco seed now held, possessed or controlled by the College of Agriculture of Kentucky or the Kentucky Experiment Station, including all tobacco seed held or controlled by any and all employees of said College of Agriculture and said Experiment Station, which will produce a type or variety of tobacco different from either Type 31, 22, 23, 24, 35, 36, or 37 shall be delivered to the Dean of the College of Agriculture of the University of Kentucky, who shall be responsible for the safe custody of such tobacco seeds and whose duty it is to see that no person obtains such seeds without approval first obtained from the Board of Trustees of the University of Kentucky and then only for use as authorized or permitted under the terms and provisions of this Act. It shall be the duty of any person who now or hereafter, holds, possesses, or controls any such tobacco seed to deliver the same immediately to the Dean of the College of Agriculture of the University of Kentucky for custody and safekeeping as provided herein.

4. Any contract heretofore made or hereafter made which is in violation of any of the terms or provisions of this Act hereby is declared to be in violation of the public policy of the Commonwealth of Kentucky and provisions of any such contract which are in violation of any of the terms and provisions of this Act shall be void and unenforceable.

5. No type or variety of tobacco which may be grown in Kentucky in violation of any of the terms or provisions of this Act shall hereafter be classified as Burley tobacco or as Type 31, 22, 23, 24, 35, 36, or 37. No type or variety of tobacco which heretofore has been grown in Kentucky which if grown after the effective date of this Act would be in violation of any of the terms or provisions of this Act shall ever be considered in the establishment of an historic base or otherwise considered as affecting the quota which any grower of tobacco now or hereafter may be entitled to receive. It shall be unlawful for any person to apply for or receive any increased tobacco base or allotment for any farm in Kentucky on account of or by reason of the

growing of or having grown any type or variety of tobacco other than either of Types 31, 22, 23, 24, 35, 36, or 37.

6. Any person who violates any of the terms or provisions of this Act shall be guilty of a felony and upon conviction shall be fined not less than $1000 nor more than $10,000 or confined in the state penitentiary for not less than one year nor more than five years, or both so fined and imprisioned in the discretion of the jury. Any person convicted under any of the provisions of this Act shall forever be ineligible to hold any public office or public employment in Kentucky.

7. It shall be the duty of each County Attorney, each Commonwealth's Attorney, and the Attorney General of the Commonwealth of Kentucky, to enforce, all and singular, the provisions of this Act.

8. In addition to the penalties hereinabove in this Act provided, any person who grows any tobacco in the Commonwealth of Kentucky in violation of this Act shall be subject to a penalty of 50c per pound for each and every pound of tobacco grown in violation of the provisions of this Act. (The penalty of 50c per pound in this Section provided shall be construed to apply to tobacco after it has been grown, cured and stripped ready for market.) Any citizen or tobacco grower in Kentucky may institute and maintain appropriate action or actions in any court in this Commonwealth having jurisdiction to (1) enforce the payment of the penalties provided by this Section of this Act, and (2) to enjoin and restrain any person from violating any of the provisions of this Act. In any action instituted by any citizen or tobacco grower in this state under the provisions of this section, it shall be the duty of the Court upon a showing that the person accused has violated or is about to violate the provisions of this Act, to issue an injunction requiring the accused to cease and desist from any violation of any of the terms and provisions of this Act and no bond shall be required as a condition precedent to the issuance of any such injunction. Any penalties recovered under provisions of this Section or under provisions of the next preceding Section shall be paid into the State Treasury and shall be credited to the revolving fund or revolving funds of the Department of Agriculture, Labor and

Statistics of the Commonwealth of Kentucky. In addition to the duties heretofore imposed by the provisions of this Act upon the County Attorneys, Commonwealth's Attorneys and the Attorney General with respect to the enforcement of the provisions of this Act, it shall be the duty of the Commissioner of Agriculture, Labor and Statistics, to obtain and furnish to the aforesaid law enforcement officers all available evidence which may be obtained by him with respect to any violation of any of the terms or provisions of this Act.

9. In addition to the penalties hereinabove in this Act provided, any corporation that violates any of the provisions of this Act shall have its charter revoked, if it be a domestic corporation, and if it be a foreign corporation, its license or qualification to do business in Kentucky shall be revoked.

10. It shall be unlawful for any warehouse in Kentucky knowingly to receive, store, or sell or permit to be stored or sold upon its floors, any tobacco grown in Kentucky in violation of any of the provisions of this Act. Any warehouse or warehouseman who violates any of the provisions of this Act shall be subject to the penalties hereinabove provided in Section 6 of this Act. In addition thereto, the license of such warehouse shall be revoked and canceled and such warehouse, if a domestic corporation, shall have its corporate charter revoked, and if a foreign corporation, its license to do business in Kentucky shall be revoked.

11. The sections, clauses, sentences and parts of this Act are severable and are not matters of mutual essential inducement; and it is the intention of the General Assembly that if any one or more of these sections, clauses, sentences or parts of this Act shall be adjudged invalid or inoperative, such judgment shall not invalidate the remaining provisions of this Act, but shall be confined in its operation to the specific provision or provisions so held invalid or inoperative; and the applicability or invalidity of any section, clause, sentence or part of this Act in any one or more instances shall not affect the applicability or validity in any other instance, or the validity or application of any other part or provision of the Act. It is hereby declared that the remainder of the Act would have been enacted despite the invalidity or applicability of any such section, clause or part.

12. Whereas, tobacco seeds are now held by persons in Kentucky which may be distributed in violation of the terms and provisions of this Act and in violation of the public policy of this Commonwealth as set forth in this Act, and,

Whereas, tobacco plantbeds which would be in violation of the provisions of this Act may be sown at an early date, and,

Whereas, contracts which would be in violation of this Act may be entered into, it is deemed by the General Assembly of the Commonwealth of Kentucky that an emergency exists and hereby is declared and this Act shall become effective immediately upon its passage and approval by the Governor.

By Dr. Sanders, Messrs. Hayes, Hale, Runyan, Beshear, Saylor, Hilton, Maurice G. Howard, Beatty, Marshall, Fannin, and Combs.

H. B. No. 305. AN ACT relating to mines and minerals, etc.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That sections 351.010, 351.020, 351.030, 351.040, 351.050, 351.060, 351.070, 351.080, 351.090, 351.100, 351.110, 351.120, 351.130, 351.140, 351.150, 351.160, 351.170, 351.180, 351.190, 351.240, 351.990, 352.010, 352.020, 352.030, 352.040, 352.050, 352.060, 352.070, 352.080, 352.090, 352.100, 352.110, 352.120, 352.130, 352.140, 352.150, 352.160, 352.170, 352.180, 352.190, 352.200, 352.210, 352.220, 352.230, 352.240, 352.250, 352.260, 352.270, 352.280, 352.290, 352.300, 352.310, 352.320, 352.330, 352.340, 352.350, 352.360, 352.370, 352.380, 352.390, 352.400, 352.410, 352.420, 352.430, 352.440, 353.450, 352.460, 352.470, 352.480, 352.490, 352.500, 352.510, 352.520, 352.530, 352.540, 352.550, 352.560, 352.570, 352.990 are hereby repealed.

Section 2. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.010, and to read as follows:

Definitions: mines governed by Chapter 351.

(1) As used in this chapter, unless the context requires otherwise:

(a) "Chief" means Chief of the Department of Mines and Minerals.

(b) "Department" means the Department of Mines and Minerals.

(c) "Operator" means an individual, firm, or corporation operating a coal mine or any part thereof.

(d) "Superintendent" means the person who, on behalf of the operator, has immediate supervision of one or more mines.

(e) "Mine Foreman" means the person who the operator or superintendent places in charge of the workings of the mine and of persons employed therein, and is hereby designated as the responsible official underground.

(f) "Mine" means a group or system of open cuts, stripping operations, shafts, slopes, tunnels, drifts, or inclined planes connected by one general system of transportation over which coal may be transported from the coal bed.

(g) "Commercial mine" means any coal mine from which coal is mined for sale or exchange.

(h) "Shaft" means a vertical opening through the strata that is or may be used, in connection with the mining of coal, for the purpose of ventilation, drainage, or hoisting men, coal or materials.

(i) "Slope" means an inclined opening used for the same purpose as a shaft.

(j) "Drift" means an opening through the strata, with opening grades such as to permit coal to be hauled by mules or mechanical traction power, and capable of being used for the purpose of ventilation, drainage, ingress, egress, and other purposes in connection with the mining of coal.

(k) "Gassy mine" means a mine in which methane has been ignited or has been found by means of a permissible flame safety

lamp or by air analysis in an amount of 0.25 percent or more in any open workings. "Open workings" excludes boreholes, cracks, and small crevices.

(l) "Nongassy mine" means any mine not classified as a gassy mine.

(m) "Approved" means a device, apparatus, equipment, machinery or practices approved by the Chief of the Department of Mines and Minerals.

(n) "Approved safety lamps" means any bonneted lamp that bears the approval plate of the Federal Bureau of Mines and is approved by the Department of Mines and Minerals of this State.

(o) "Excavations and workings" includes all the excavated portions of a mine, whether abandoned or being worked, all underground workings, shafts, tunnels, ways and openings, whether completed or in the course of being sunk or driven, and all roads, appliances, machinery and material connected therewith below the surface.

(p) "Tipple" or "dumping point" means the tipple or structure where coal is dumped or unloaded from the mine car into railroad cars, trucks, wagons or other means of conveyance.

(q) "Permissible" means any equipment, device, or explosive that meets the requirements of the Federal Bureau of Mines and is approved for use by the Department of Mines and Minerals of this State.

(2) Except as the context otherwise requires, this chapter applies only to commercial coal mines.

Section 3. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.020, and to read as follows:

Functions and Chief Officer of department.

(1) The Department of Mines and Minerals shall be headed by the Chief of the Department of Mines and Minerals.

(2) The department shall administer all laws of this state regulating the mining of coal.

Section 4. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.030, and to read as follows:

Hearings before department.

(1) The department may prescribe rules of procedure and for offering evidence in all matters brought before it, and shall prepare and, on request, furnish to applicants copies of forms of notices and other forms that the department requires to be used, and shall prescribe the manner of serving such notices.

(2) The department shall hold one or more hearings on each matter brought before it. All interested persons shall be given due notice and an opportunity to appear and offer evidence, and to make argument by counsel if desired. The department shall decide each matter in controversy in the manner that seems to it just and reasonable and necessary or desirable for the proper enforcement of KRS 352.510 or 353.050 to 353.130.

Section 5. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.040, and to read as follows:

Action to vacate order of department; appeal;

(1) Any party in interest dissatisfied with an order of the department may commence an equitable action against the department and other interested parties as defendants to vacate or set aside, in whole or in part, any such order. The action may be brought in the circuit court of the county where the subject matter involved in the order, or the well or workable coal bed or part thereof, is located, or in any other court of competent jurisdiction. The court may grant relief from any unlawful or unreasonable order of the department, and render such judgment as appears to it to be equitable and just.

(2) The pendency of the action shall not of itself suspend the operation of the order of the department, but during the pendency of the action any party may secure from the court an order suspending or staying the operation of the order of the department pending the action by giving to the other parties adequate security, approved by the court, against loss due to the delay in enforcement of the order, in case the order under review is not set aside, and the court may, without security being

given, suspend the operation of the order, in whole or in part, on such terms as it deems just and in accordance with the practice of courts of equity. Provided, however, that the operation of an order pertaining to safety in coal mines shall not be suspended temporarily pending final decision of the courts.

(3) Appeals may be taken to the Court of Appeals as in other cases.

Section 6. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.050, and to read as follows:

Chief of department; appointment; term of office; oath; traveling expenses.

On July 13 of every fourth year, beginning with 1934, the Governor shall appoint a Chief of the Department of Mines and Minerals for a term of four years. The oath taken by the chief of the department shall be in writing and certified by the officer administering it, and the oath and certificate shall be filed in the office of the Secretary of State. In addition to his salary, the chief shall be paid his necessary traveling and other expenses incurred on account of and when engaged in the discharge of his official duties.

Section 7. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.060, and to read as follows:

Qualification of chief.

(1) The Chief of the Department of Mines and Minerals shall be a male citizen of Kentucky with at least fifteen years mining experience, ten years of which shall have been underground in coal mines of this state. He shall be thoroughly familiar with all methods of safety pertaining to the operation of mines.

(2) The chief shall have a practical knowledge of:

(a) The different systems of working and ventilating coal mines.

(b) The nature, chemistry and properties of noxious, poisonous and explosive gases, the dangers due to such gases and the prevention of such dangers.

(c) The dangers incident to blasting and the prevention of such dangers.

(d) The methods for the management and extinguishment of mine fires.

(e) The methods for rescue and relief work in mine disasters.

(f) The application of electricity in mining operations.

(g) The application of mechanical loading in mining operations.

(h) The equipment and explosives manufactured for use in coal mines.

(i) The mechanical features of mine scales and the methods used in properly inspecting and testing such scales.

(j) The methods used in locating oil and gas wells when drilled through any coal seam.

(k) The proper manner of drilling and plugging oil and gas wells.

(l) Mining engineering.

(m) The methods for the prevention of explosions in mines due to gas or dust.

(3) The chief shall be capable of efficiently reporting on any proposed development in mining operations or the possibility of operating any coal seam.

Section 8. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.070, and to read as follows:

Duties of Chief.

(1) The Chief of the Department of Mines and Minerals shall have full authority over the department and shall superintend and direct the activities of the district mine inspectors and other personnel of the department.

(2) He may, whenever necessary, divide the coal fields of the state into as many inspection districts as there are district mine inspectors, so as to equalize as nearly as practicable the

work of each inspector, and shall assign to the inspectors their respective districts.

(3) He may, whenever he deems it necessary in the interest of efficient supervision of the mines, temporarily employ the services of two or more mine inspectors or change inspectors from one district to another.

(4) He shall superintend and direct the inspection of mines and cause to be investigated the character and quality of air in mines whenever conditions indicate the necessity of doing so.

(5) He shall collect statistics relating to coal mining in the state and make an annual report of such statistics.

(6) He shall see that maps, plans, projections and proposed developments of all coal mines are made and filed in his office.

(7) He shall keep a properly indexed, permanent record of all inspections made by himself and the personnel of the department.

(8) He shall exercise general supervision over the training of officials and workmen in safety, first aid, and mine rescue methods and may conduct demonstrations in safety whenever he deems it advisable.

(9) He shall exercise general supervision over the dissemination of information among officials and employees concerning mine ventilation, mining methods and mine accidents and their prevention, and shall assume full charge in the event of fire or explosion or other serious accident at any mine in the state.

(10) He may assist in the resumption of operations of any mine or gather data for the development of any coal seams that would be of any benefit to the state or create new employment.

(11) The chief of the department shall annually make a report to the Governor of his proceedings during the preceding calendar year. The annual report shall be prepared and printed as soon as possible after the close of the calendar year. The annual report shall cover the complete operation of the coal mines in this state during the preceding calendar year, enumerating all accidents occurring in or about any such mine during that year,

and giving such other information as the chief deems useful, and making such suggestions as he deems important as to further legislation on the subject of mining.

(12) The chief shall keep and index a permanent record of all inspections made by himself and of all reports relating to inspections of mines furnished to him by district mine inspectors. All such records of the department of mines shall be public records and shall, at all times, be open to the inspection of the public, and shall be laid before the Governor of the state upon his request at any time.

The Department of Mines shall furnish certified copies of any such records, when requested to do so upon payment of such fee as is generally charged by courts of record for certified copies. Such fee shall be paid into the Treasury of the State.

Section 9. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.080, and to read as follows:

Offices of department and of district mine inspectors.

(1) Adequate offices shall be furnished the Department of Mines and Minerals by the State University of Lexington, and its main office shall be located there. The department shall have access to the facilities of the Mining Laboratory and Kentucky Geological Survey.

(2) The offices of the district mine inspectors shall be at such places within their respective districts as the chief of the department designates, and each district mine inspector shall be provided with a suitable office.

Section 10. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.090, and to read as follows:

District inspectors and inspectors of mine weights; appointment; qualifications; salaries; oath and bond.

(1) The Governor shall appoint an adequate number of district mine inspectors to insure at least 4 inspections annually of all commercial coal mines in the state; one of the appointees shall be designated as an electrical district mine inspector. The

Governor shall also appoint not more than 8 inspectors of mine weights. The term of office of each district mine inspector and each inspector of mine weights shall be during the period of capable, efficient service and good behavior.

(2) All district mine inspectors and inspectors of mine weights shall have a thorough knowledge of first aid and mine rescue and be able to instruct in first aid and mine rescue, shall possess thorouhly the knowledge required of the Chief of the Department by KRS 351.060, and shall have a thorough practical knowledge of mining gained by at least ten years' experience in and about coal mines, at least five of which must have been underground in coal mines in this state.

(3) No person shall be appointed to the office of district mine inspector or inspector of mine weights until he has passed a satisfactory examination before the Board of Examiners. The chief of the Department of Mines and Minerals may recommend to the Governor applicants for district mine inspector and inspector of mine weights who have successfully passed the examination and are proved by worth, training and experience to be the most competent of the applicants.

(4) District mine inspectors and inspectors of mine weights shall be of good moral character and temperate habits and shall not, while holding office, act in any official capacity in operating any coal mine, nor shall he have any financial interest in any coal mine in the State.

(5) Each district mine inspector and each inspector of mine weights shall receive a salary of not less than five thousand dollars per annum, payable monthly, and shall be paid their necessary traveling and other expenses incurred on account of and when engaged in the discharge of their official duties. Salaries shall be determined by the chief of the department and approved by the Governor, and shall be based on the ability and experience of the inspector.

(6) Each district mine inspector and inspector of mine weights shall take oath, which shall be certified by the officer administering it. The oath, in writing, and the certificate shall be filed in the office of the Secretary of State.

(7) Each district mine inspector and inspector of mine weights shall give bond with surety approved by the Governor.

Section 11. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.100, and to read as follows:

Board of Examiners for district mine inspectors, inspectors of mine wights, mine foremen, and fire bosses.

(1) The Board of Examiners for the certification of district mine inspectors, inspectors of mine weights, mine foremen, and fire bosses shall consist of the following members:

(a) The Chief of the Department of Mines and Minerals.

(b) One miner recommended by the miners' organization having the majority of members in the State, holding a mine foreman's certificate of the first class who has had at least 7 years of practical experience underground in the mining of coal, 4 years of which have been in the mines of this state, and who is actually employed in mining coal at the time of appointment; and

(c) One operator recommended by the operators of the state who at the time of his appointment is actually engaged in operating a coal mine in this state, and who holds a mine foreman's certificate of the first class and has had at least 7 years of practical experience underground in the mining of coal, 4 years of which have been in the mines of this state.

(2) Each member of the board except the chief shall be appointed by the Governor for a term of 4 years, and shall be compensated, while on duty status, at the rate of $20.00 per diem plus necessary traveling and other expenses incurred on account of their official duties.

(3) The Chief of the Department of Mines and Minerals shall be chairman of the board and whenever it is necessary for him to be absent from any meeting of the board he may designate any member of his department to preside during his absence. A majority of the members shall constitute a quorum, with authority to transact business, hold examinations and issue certificates. The chairman shall keep a record of all proceedings of the board, including the names and addresses of persons who

have been granted certificates and of those who have failed to pass the examination.

Section 12. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.110, and to read as follows:

Admission to examination; fee.

(1) The Board of Examiners shall not admit any applicant to take an examination given by it until the applicant has submitted to the Board a money order made payable to the State Treasurer in the amount of five ($5.00) dollars.

(2) The board may refuse to examine any applicant who cannot readily understand the written English language or cannot express himself intelligently in English.

(3) Each applicant for a state mine inspector certificate shall be a citizen of the United States and a resident of the State of Kentucky. He shall not be under 28 years of age and have at least 10 years experience underground in coal mines, 5 years of which shall have been in the State of Kentucky.

(4) Each applicant for a mine foreman certificate shall be a citizen of the United States and a resident of the State of Kentucky, or employed at a mine in the State. He shall be not under 23 years of age and have at least 5 years experience underground in coal mines.

(5) Each applicant for a fire-boss certificate shall be a citizen of the United States and a resident of the State of Kentucky, or employed at a mine in the State. He shall be not under 21 years of age and have at least 3 years experience underground in the coal mines.

Section 13. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.120, and to read as follows:

Examinations and certificates.

(1) Each applicant for a state mine inspector certificate shall prove to the Board of Examiners by written and oral examination that he possesses the knowledge required of the chief of the department by subsection (2) of KRS 351.060.

(2) Each applicant for a first class mine foreman certificate shall prove to the Board of Examiners by written and oral examination and demonstration where applicable, that he has a thorough knowledge of the theory and practice of coal mining; of the nature and properties of noxious, poisonous, and explosive gases and methods for their detection and control; of the requirements of the state laws pertaining to coal mining; and of the responsibilities and duties of a mine foreman particularly with respect to the health and safety of the employees under his jurisdiction as required by state law.

(3) Each applicant for a second class mine foreman certificate shall prove to the Board of Examiners by written and oral examination and demonstration where applicable, that he has a practical knowledge of the theory and practice of coal mining; of the requirements of the State laws pertaining to coal mining; and of the responsibilities and duties of a mine foreman, particularly with respect to the health and safety of the employees under his jurisdiction as required by State law.

(4) Each applicant for a fire boss certificate shall prove to the Board of Examiners by written and oral examination and by demonstration where applicable, that he has a thorough knowledge of the nature and properties of noxious, poisonous, and explosive gases and methods for their detection and control; of the practical aspects of coal mining especially pertaining to ventilation and roof control; and of the responsibilities and duties of a fire boss as required by state law.

(5) The Board of Examiners shall issue a certificate to each person who possesses the qualifications required by law for district mine inspector, inspector of mine weights, mine foreman, or fireboss; has passed the examination given by the board for that certificate; and who presents to the Board of Examiners satisfactory evidence, in the form of affidavits made by well known and responsible persons in the locality from which he came, that he is a man of sobriety and good moral character and has had the experience required by law.

(6) Persons possessing state mine inspector certificates, first class mine foreman certificates, or fire-boss certificates issued prior to the date of the passage of this act are not affected by

this section. Persons who now possess second and third class mine foreman certificates may continue to act in the capacity of superintendent, mine foreman, or assistant mine foreman at mines of the class specified in their certificate, for a period of one year following the date of passage of this act.

(7) The certificates shall be kept on file in the mine office and shall be available for inspection by interested persons.

Section 14. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.130, and to read as follows:

Duplicate Certificates.

If any district mine inspector, inspector of mine weights, mine foreman or fire boss misplaces his certificate or it is destroyed, he shall apply to the Chief of the Department of Mines and Minerals for a duplicate certificate, including with his application an affidavit stating in full how the certificate was destroyed or misplaced, and if the chief deems it proper he shall furnish the district mine inspector, inspector of mine weights, mine foreman, or fire boss with a duplicate certificate. Any person applying for a duplicate certificate shall pay a fee of two dollars to the Department of Finance.

Section 15. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.140, and to read as follows:

Personnel and general duties.

(1) Each district mine inspector shall devote his entire time and attention to the duties of his office which shall consist of the following:

(a) Inspect coal mines and aid, under the direction of the chief of the department, in carrying out and enforcing the provisions of the laws relating to the inspection of coal mines.

(b) Train officials and workmen in and about the mines in first aid, mine rescue, and accident prevention methods.

(c) Advise officials and workmen in methods pertaining to safety in all its phases and its methods pertaining to the prevention of mine fires and explosions.

(d) Take charge of mine rescue and recovery work whenever a mine fire, mine explosion or other serious accident occurs within his district and the chief is not present, and assist in such work in other districts when so directed by the chief.

(e) Reopen mines or portions of mines that have been sealed on account of fire or any other cause, when called upon by the owner or operator, or directed by the chief to do so.

(f) Inspect each mine in his district at least once every three months, or oftener, if practicable, while the mine is in operation, and wherever any danger to the workmen may exist. The inspector shall inspect the surface plant, every working place in the mine, all active haulageways and travelways, entrances to abandoned workings, accessible old workings, airways, escapeways, and other places where men work or travel or where dangerous conditions may exist, electric equipment and installations, haulage facilities, first aid equipment, ventilation facilities, communication installations, roof and rib conditions, blasting practices, etc. He shall make tests for gas and oxygen deficiency in each mine and collect samples of mine air and mine dusts for chemical analysis if necessary to determine conditions with respect to gas and coal dust.

(g) Report each week in writing to the chief of the department the condition of each mine inspected by him.

(h) Deliver a copy of his inspection report on a mine to the operator or the superintendent of the mine inspected and another copy to the mine safety committee at such mine within 24 hours after the inspection is completed.

(i) Post a copy of the inspection report on a bulletin board at a prominent place on the premises where it can be conveniently read by the employees.

(j) File with the chief, within 15 days after the close of each calendar year, a report of his proceedings during the calendar year and give such information concerning the mines and mining conditions in his district as is appropriate and required by the chief.

(k) Proceed immediately to the scene of any mine accident in his district that causes loss of life or serious personal injury, make such investigation and suggestions and render such assist-

ance as he deems necessary for the future safety of the employees, make a complete report thereof and forward it to the chief. The report shall be preserved with the other records in the office of the chief and in the office of the district mine inspector. To aid in making such investigations, the chief or the district mine inspector may compel the attendance of witnesses and administer oaths.

(l) Report immediately, upon being informed of a fatal mine accident in his district, to the appropriate district office of the mine workers' organization having jurisdiction at the mine and provided further that the district president of the mine workers' organization or some person delegated by him and the mine safety committee at the mine involved shall be permitted to actively and fully participate in the investigation of any fatality and any hearings connected therewith.

(m) Order the withdrawal of men from any mine or part thereof in which in his opinion imminent or serious dangers exist.

(2) The superintendent of any mine or mines shall possess a first class mine foreman certificate; the duties of the mine operator and superintendent shall be as follows:

(a) Each superintendent shall, on behalf and at the expense of the operator, keep on hand at or within convenient distance of the mine a sufficient quantity of all materials and supplies required to preserve the safety and health of employees, as ordered by the mine foreman and required by law. If the superintendent cannot procure the necessary materials or supplies, he shall at once notify the mine foreman, who shall withdraw the men from the mine until the materials or supplies are received.

(b) The superintendent shall, at least once each week, read and examine carefully and countersign all reports entered in the mine record book of the foreman.

(c) The operator or superintendent shall cooperate with the mine foreman and other officials in the fulfillment of their duties under Chapters 351 and 352, and shall direct that the mine foreman and all other employees under him comply with the law, especially when his attention is called by the district mine inspector or by the chief of the department to any violations of the laws.

(d) The superintendent shall keep on hand at the mine a supply of the printed rules, notices and record books required by this chapter. The record books shall be furnished through the district mine inspector or through the chief of the department on written request of the operator or superintendent. The superintendent shall see that rules, notices and record books are delivered to the proper persons at the mine and properly cared for and that the rules and notices are posted in conspicuous places at or near the entrance to the mine and kept legible.

(e) For every fifty men and fraction thereof employed underground the operator of each mine shall keep on hand at the mine one properly constructed stretcher, one waterproof woolen blanket, and all other necessary equipment advised by the department.

(f) Each operator shall see that all employees receive the necessary first-aid training for the safety of themselves and their their fellow workmen as recommended by the department and each employe shall accept the necessary training.

(g) The operator or superintendent of each mine shall give the chief of the department at least ten days' notice of the following:

(1) Abandonment of a mine.

(2) Resumption of work in a mine after an abandonment or discontinuance for a period of two months or more.

(3) Change in the operator or name of a mine.

(h) Each mine shall be inspected and approved by the Department of Mines and Minerals before operations are resumed after an abandonment or discontinuance for two months or more.

(i) The operator or superintendent of each coal mine shall annually not later than January 6, make or cause to be made an accurate map of the workings of the mine, on a scale of one hundred, two hundred, three hundred or four hundred feet to the inch, showing the area mined and the forms of the excavations up to January 1, together with the location and connection of the lines of all adjoining lands within one thousand feet of the ex-

cavations, and the name of each owner so far as known, marked on each tract. The operator or superintendent shall deposit a true copy of the map with the chief of the department within forty-five days after January 1, and another copy of the map shall be kept at the office of the mine.

(j) After making and filing the map with the chief, the operator or superintendent thereafter is only required to file annually with the chief, within the time specified, such additional map and statement as is necessary to show the progress of the workings, the amount and forms of excavations and the property lines within one thousand feet of the excavations extended since the date of the preceding map.

(k) The chief may, if he deems it advisable, require any operator or superintendent to furnish a map other than those required in subsections (i) and (j), and the operator or superintendent shall immediately comply with the requirement.

(l) The owner, lessee, or superintendent of each commercial coal mine shall give at the end of each month and at the end of each calendar year accurate information, on blanks furnished by the chief of the department, as to the number of accidents that have occurred, the number of persons employed, the tons of coal mined and any other information not of a private nature that the chief requests.

(m) The map kept on the surface at the mine shall be brought to date at least once every six months by an official survey of all mine workings. The map shall also show the direction of all air currents and location and condition of all escapeways.

(n) Each operator or superintendent of a coal mine shall, before making any new or additional opening from the outside, submit to the chief of the department, for his information and approval, a map or plan showing the proposed system of ventilation and equipment of the openings, and their locations and relative positions to adjacent developments. No new or additional openings to any coal mine shall be made without the approval of the chief of the department.

(3) Each commercial mine employing more than (25) men during any 24-hour period and all gassy mines shall be super-

vised by a mine foreman who possesses a first class mine foreman certificate. Each non-gassy commercial mine employing (25) men or less during any 24-hour period shall be supervised by a mine foreman who possesses a first or second class mine foreman certificate. The duties of the mine foreman shall be as follows:

(a) The mine foreman shall exercise general supervision over the ventilating apparatus and the airways, traveling ways, working places, pumps and drainage, and shall see that as the miners advance their excavations proper breakthroughs are made as required by law to properly ventilate the mine. He shall see that employes are provided with sufficient props, cap pieces, and timbers of suitable size, which shall be delivered to the working place when requisitioned by the employes, and shall see that the props are cut as square as practicable at both ends and as near as practicable to the proper length required or designated for the places where they are to be used. The mine foreman shall see that the water is drained as nearly as practicable out of the working places, and that the working places are kept as free from water as practicable during working hours. The owner, lessee, or operator of each mine shall see that the water drained from the mine is drained as directly as practicable to the adjacent streams or water-courses. He shall see that every person employed to work in the mine, is before beginning to work, instructed in the particular danger incident to his work in the mine and furnished a copy of the rules of the mine. He shall immediately report all violations of the mining laws to the operator or superintendent, who shall report the violations to the district mine inspector.

(b) The mine foreman or certified assistants shall visit and carefully examine each working place in the mine each day or oftener while the mine employees are at work. Such examinations at mines employing more than (25) men in any 24-hour period and at all gassy mines shall include tests with a permissible flame safety lamp for methane, noxious gases, and oxygen deficiency. He shall direct the miners so that each working place shall be secured by props or timbers where necessary. He shall examine as live workings, on regular inspections, all unfenced places in live sections that are temporarily abandoned. If the mine foreman or his assistants find any place to be in a dangerous

condition, he shall not leave the place until work has been started under the direction of a competent person to make it safe, or until the employees working therein are removed. He shall see that the mine is kept free of standing gas in all working places and roadways, and that all accumulations of explosive or noxious gases in the worked-out or abandoned portions of unsealed areas of any mine are removed as soon as possible after discovery. He shall not allow any person who may be endangered by the presence of explosive or noxious gases to enter that portion of the mine until the gases have been removed, except those persons engaged in its removal. He shall direct and see that all dangerous places and the entrances to worked-out and abandoned places in the mine are properly fenced off across the openings, so that no person can enter, and that danger signals are posted upon the fencing to warn persons of existing danger. He shall give prompt attention to the removal of all dangers reported to him by his assistants, the fire boss or any person working in the mine, and if it is impracticable to remove the danger at once he shall notify every person whose safety is menaced thereby to remain away from the portion where the dangerous condition exists. He or his assistants shall at least once every week, travel and examine all the air courses, roads and openings that give access to old workings or falls, and make a record of the condition of all places where danger has been found. The record shall be made with ink or indelible pencil in the record book provided for that purpose.

(c) The mine foreman shall notify, in writing, the operator or superintendent of the mine of his inability to comply with any of the requirements of the mining laws, and the operator or superintendent shall at once attend to the matter complained of by the mine foreman so as to enable him to comply with the mining laws.

(d) The mine foreman shall each day enter and sign plainly with ink or indelible pencil, in a book provided for that purpose, a report of the condition of the mine. The report shall clearly state any danger that comes under his observation during the day or is reported to him by his assistants or by the fire bosses, and shall state whether or not there is a proper supply of material on hand for the safe working of the mine and whether or

not the mining laws are being complied with. The mine foreman shall each day read carefully, and countersign with ink or indelible pencil, all reports entered in the record book of the fire bosses.

(e) When the mine workings become so extensive that the mine foreman is unable personally to carry out the duties required of him by law, the operator or superintendent shall employ a sufficient number of persons who possess a mine foreman certificate as required under this act, to act as assistants to the mine foreman and under his instructions. The mine foreman shall be responsible for their conduct in the discharge of their duties.

(4) Each commercial mine shall be examined by certified fire bosses whose duties shall be as follows:

(a) Examine each mine before other men are permitted to enter regardless of whether the mine is being operated or is idle.

(b) Begin the examination in the first working place in their assigned territory not more than 3 hours before the first shift enters the mine; however, such examinations in multiple shift operations may be made by certified officials within 3 hours of the entrance of the next or succeeding shift, provided that in nongassy mines such examination need be made only before the first shift enters the mine.

(c) Visit every live working place in the mine; test with a permissible flame safety lamp for methane, noxious gases, and oxygen deficiency; examine seals and doors; test and inspect the roof, face, and rib conditions in all places examined including active roadways and travelways and approaches to abandoned workings; examine accessible falls in active sections for explosive gas and other hazards; be certain that the air is traveling in its regular course and required volume in each split; and place his initials and the date at or near the face of each place examined.

(d) Where dangerous conditions are found by the fire boss he shall danger off the place with an approved danger sign, and no one except an authorized person shall cross the danger sign and then only for the purpose of correcting the dangerous condition.

(e) Upon completion of his examination the fire boss shall report in person to a proper official on the surface any dangerous conditions found before the men enter the mine. He shall record in ink or indelible pencil the result of his inspection in a book kept on the surface for that purpose, and such record shall be made immediately after the examination is completed.

(f) He shall personally check each miner into the mine, advising each as to the condition of his working place and holding back any miner whose working place is in dangerous condition.

(g) The record books of the fire bosses shall at all times during working hours be accessible to the district mine inspector and to any interested employee of the company, or any representative of the miners' organization having jurisdiction at the mine. Each fire boss shall furnish the district mine inspector, once each week, a copy of such records which the district mine inspector shall preserve. Failure of the fire boss to furnish such copy to the district mine inspector, as aforesaid, shall subject the fire boss to the penalties provided in section 352.120 of the Kentucky Revised Statutes.

(5) Operators of electrical face equipment in gassy mines shall undergo and pass an examination to determine their fitness to detect explosive gas before they are permitted to have charge of electrical face equipment unless accompanied by a certified fire boss, or a person having passed such an examination. The examination shall be given by the district mine inspector; the forms used shall be furnished by the department. A copy shall be retained on file at the mine office and the original shall be sent to the department fully made out and signed by the applicant and by the district mine inspector. The duties of the operator of electrical face equipment employed in a gassy mine are as follows:

(a) He shall make a thorough examination of the working place for gas before electrical face equipment is moved or operated inby the last open breakthrough in the place where such equipment is to be used unless the examination is made by some other certified person. If any explosive gas is found in the place

such equipment shall not be taken into or operated in the place until the gas is removed.

(b) He shall make an examination for gas, in a gassy mine, at not more than 10-minute intervals during the time electrical face equipment is in operation at the face. If gas is found he shall disconnect the power from such equipment, and leave it disconnected until the gas is removed and the place is reported safe by a certified official.

Section 16. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.150, and to read as follows:

Inspection of mine scales; fee

(1) The inspectors of mine weights shall inspect and test all scales, except railroad scales, used in connection with any commercial coal mine in this state, and shall determine their mechanical condition and accuracy. Each coal operator or superintendent shall render such assistance to the inspector of mine weights and other appliances that are needed for the proper inspecting and testing of scales. The inspector of mine weights shall leave a written record with the mine operator or superintendent as to the condition of the scales inspected and shall post in the weight office a record of the inspection of the scales. If upon inspecting and testing any mine scale the inspector deems it necessary that the scale have any parts replaced, or that the scale be reconditioned or the foundation or building repaired or renewed, the operator or superintendent shall immediately comply with his recommendations.

(2) Each operator shall pay a fee of $15.00 to the department for each mine scale inspection.

Section 17. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 351.160, and to read as follows:

Mine rescue divisions and stations; supplies and equipment.

The chief of the department shall partition the coal fields of the state into mine rescue divisions, of which there shall be at

least two in the western coal field and at least four in the eastern coal field. In each division there shall be a station, the location of which shall be determined by the chief, and there shall be kept at each station apparatus, appliances and supplies for use in the work of rescue and relief upon the occurrence of explosions or mine fires, and for the training of officials and miners in mine rescue work. The chief shall provide each station and himself with the necessary instruments, appliances, apparatus, chemicals, and trucks, and shall designate one of the district inspectors to have charge of each station.

Section 18. A new Section of the Kentucky Revised Statutes is created, to be numbered KRS 351.170 and to read as follows:

Workmen's compensation.

The personnel of the Department of Mines and Minerals is subject to the provisions of the workmen's compensation laws of this state.

MINING REGULATIONS

Section 19—A new section of the Kentucky Revised Statutes is created, to be numbered 352.010, and to read as follows:

Definitions; mines governed by chapter 352.

(1) The definitions in KRS 351.010 apply also to this chapter, unless the context requires otherwise.

(2) Except as the context otherwise requires, this chapter applies only to commercial mines as defined in KRS 351.010.

Section 20—A new section of the Kentucky Revised Statutes is created, to be numbered KRS 352.020, and to read as follows:

Surface Regulations.

(1) Tipple and cleaning plant.

(a) In dusty locations, electric motors, switches, and controls shall be of dusttight construction unless they are in reasonably dusttight housings or enclosures.

(b) Structures shall be kept free as practicable of coaldust accumulations.

(c) Where coal is dumped at or near air intake openings, reasonable provisions shall be made to prevent the dust from entering the mine.

(d) Where repairs are being made to the plant, proper scaffolding and proper overhead protection shall be provided for workmen wherever necessary.

(e) Welding shall not be done in dusty atmospheres or dusty locations, and fire-fighting apparatus shall be readily available during welding.

(2) Lamp house

(a) Naphtha or other flammable liquids in lamp houses shall be kept in approved containers or other safe dispensers.

(b) Flame safety lamps shall be permissible and maintained in permissible condition. All flame safety lamps shall be checked by the persons using them, by a qualified lamp attendant, or by a fire boss, immediately before entering the mine.

(c) When not in service, flame safety lamps and electric lamps shall be under the charge of a responsible person.

(3) Stairways and platforms.

(a) Stairways, elevated platforms, and runways shall be equipped with handrails.

(b) Elevated platforms and stairways shall be provided with toeboards where necessary, and they shall be kept clear of refuse and maintained in good repair.

(4) Housekeeping.

Good housekeeping shall be practiced in and around mine buildings and yards. Such practices include cleanliness, orderly storage of materials, and the removal of possible sources of injury, such as stumbling hazards, protruding nails, and broken glass.

(5) Surface fire prevention.

(a) Oil, grease, and similar flammable materials shall be stored in closed containers, separate from other materials so as not to create a fire hazard to nearby buildings or mines. If oil or grease is stored in a building, the building or the room in which it is stored shall be of fire-resistive material, well ventilated, and not less than 100 feet from any mine opening. Tight metal receptacles shall be provided for oily waste.

(b) Smoking in or about surface structures shall be restricted to places where it will not cause fire or an explosion.

(c) Unless existing structures located within 100 feet of any mine opening are of reasonably fireproof construction, fire doors shall be erected at effective points in mine openings to prevent smoke or fire from outside sources endangering men underground. These doors shall be tested at least monthly to insure effective operation.

Section 21—A new section of the Kentucky Revised Statutes is created, to be numbered KRS 352.030, and to read as follows:

Roof-Control Regulations.

(1) Roof-Control system

Minimum standards for systematic roof-control suitable to the roof conditions and mining system of each mine shall be adopted. The minimum standards shall be complied with by workmen and officials, and additional supports shall be installed wherever it is necessary to afford adequate protection.

(2) Timber supply and timbering.

(a) At each mine, the management shall provide at or near the face workings an ample supply of timber and cap pieces or wedges of proper size with which to timber all working places in a safe manner.

(b) Safety posts, jacks, cross bars, or roof bolts shall be set close to the face, before other mining operations are begun, and as need thereafter.

(c) All underground working places shall be secured sufficiently to protect employees working at the face from falls of

roof, ribs, or face. Loose top and overhanging or loose faces and ribs shall be either timbered adequately or taken down.

(d) Timber removed by cutting-machine or loading machine operators or knocked out by blasting shall be replaced promptly.

(3) Testing of roof, ribs, and face.

(a) In mechanized mines where loading crews are supervised constantly, it shall be the duty of such supervisor to make roof, rib, and face examinations, to have corrected any unsafe condition, and to see that the timbering standards are followed; provided, however, that this section shall not be construed so as to compel any employee to work exposed to any condition that he deems to be unsafe.

(b) Face workers and other employees exposed to hazards from falls of rock and coal shall examine and test the roof, ribs, and face before starting work or before starting a machine and frequently thereafter. When dangerous conditions are found, they shall be corrected immediately by taking down loose material or by proper and adequate timbering before work is continued or any other work is done, or the place shall be abandoned until it is made safe.

(c) At least once each day, the mine foreman or certified assistants shall examine roof, ribs, and face of working places and passageways where men travel, for dangerous conditions. Where found, such dangerous conditions shall be corrected promptly by removing loose roof or rib or by adequate timbering. Such timbering shall conform to the clearance provisions hereinafter provided.

(d) When there is danger of coal rolling on a person during or after undercutting or center cutting, it shall be spragged by placing blocks in the cut or by blocking with leaning posts.

(4) Removal of timber.

In areas where timbers are being removed, persons engaged in drawing timber shall not be permitted to work alone.

Section 22—A new section of the Kentucky Revised Statutes is created, to be numbered KRS 352.040, to read as follows:

Explosives and Blasting Regulations.

(1) Surface magazines

(a) Separate surface magazines shall be provided for the storage of explosives, detonators, and Cardox heater elements.

(b) Surface magazines for storing and distributing high explosives in amounts exceeding 125 pounds shall be:

(1) Reasonably bulletproof and constructed of incombustible material or covered with the fire-resistive material. The roofs of magazines so located that it is impossible to fire bullets directly through the roof from the ground, need not be bulletproof, but where it is possible to fire bullets directly through them, roofs shall be made bullet-resistant by material construction, or by a ceiling that forms a tray containing not less than a 4-inch thickness of sand, or by other methods.

(2) Provided with doors constructed of 3/8-inch steel plate lined with a 2-inch thickness of wood, or the equivalent.

(3) Provided with floors made of wood or other nonsparking material and have no metal exposed inside the magazine.

(4) Provided with suitable warning signs so located that a bullet passing directly through the face of a sign will not strike the magazine.

(5) Provided with properly screened ventilators.

(6) Equipped with no openings except for entrance and ventilation.

(7) Kept locked securely when unattended.

(c) Surface magazines for storing black blasting powder, detonators, and Cardox heater elements need not be bulletproof, but they shall be in accordance with other provisions for storing high explosives.

(d) High explosives, black blasting powder, or Cardox heater elements in amounts of 125 pounds or less or 5,000 deto-

nators or less shall be stored in accordance with preceding standards or in separate box-type magazines. Box-type magazines may also be used as distributing magazines when quantities do not exceed those mentioned. Box-type magazines shall be constructed strongly of 2-inch hardwood or the equivalent. Metal magazines shall be lined with nonsparking material. No magazine shall be placed in a building containing oil, grease, gasoline, waste paper, or other highly flammable material, nor shall a magazine be placed less than 20 feet from a stove, furnace, open fire, or flame.

(e) After the effective date of this act, explosives distributing magazines shall be not less than 100 feet from any mine opening or from any building used or occupied by any persons; and all magazines used for storing explosives in excess of an estimated daily supply shall be located not less than 500 feet from any mine opening or from any building used or occupied by any person or persons.

(f) The supply kept in distributing magazines shall be limited to an estimated 1 day's requirements, and such supplies of explosives and detonators may be distributed from the same magazine, if separated by at least a 6-inch substantially fastened hardwood partition or the equivalent.

(g) The area surrounding magazines for not less than 25 feet in all directions shall be kept free of rubbish, dry grass, or other materials of a combustible nature.

(h) If the explosives magazine is illuminated electrically, the lamps shall be of explosion-proof type, installed and wired so as to present minimum fire and contact hazards.

(i) Only nonmetalic tools shall be used for opening containers. Extraneous materials shall not be stored in an explosives or detonator magazine.

(j) Smoking, carrying smokers' articles, or open flame shall be prohibited in or near any magazine.

(2) Cardox charging station.

(a) A Cardox charging station shall:

(1) Be in a fireproof structure on the surface or isolated from other operations in the same building by a substantial fireproof partition.

(2) Be provided with at least two methods of relieving excess pressure in the storage tank. If one of these methods is a valve, the valve shall be tested monthly.

(3) Have a box-type magazine or equivalent for storing the daily supply of heater elements.

(3) Underground transportation.

(a) Permissible explosives or detonators carried underground shall be in individual containers constructed of substantial nonconductive material, maintained in good condition, and kept closed.

(b) When explosives or detonators are transported underground by locomotives, rope, or shuttle car, they shall be in special covered cars or in special containers.

(1) The bodies and covers of special cars and the containers shall be constructed of nonconductive material.

(2) If explosives and detonators are hauled in the same explosives car or in the same special container, they shall be separated by at least a 4-inch substantially fastened hardwood partition or the equivalent.

(3) Permissible explosives, detonators, and Cardox shells shall not be carried on the same trip with workmen.

(4) Where quantities of explosives and detonators are transported in special cars or in special containers in cars, they shall be hauled on a special trip, not connected to any other trip, and shall not be hauled into or out of a mine within 5 minutes preceding or following a man-trip or any other trip. When traveling with the air current the explosives trip shall precede the man trip; when traveling against the air current, the man-trip shall precede.

(c) Explosives and detonators shall be transported underground by belt only under the following conditions:

(1) In the original and unopened case, in special closed cases constructed of nonconductive material, or in suitable individual containers.

(2) Clearance requirements shall be the same as those for transporting men on belts.

(3) Suitable loading and unloading stations shall be provided.

(4) There shall be an attendant at loading and unloading points and stop controls at these points.

(d) Explosives or detonators shall not be transported on flight or shaking conveyors, or by scraper or mechanical loading machines.

(4) Underground storage.

(a) Where underground section boxes or magazines are used they shall be of substantial construction and placed in a crosscut or idle room neck at least 25 feet from roadways or trolley wires and in a reasonably dry and well rock dusted place; the explosives and detonators shall be kept in separate boxes or magazines, or if kept in the same box they shall be separated by at least a 4-inch substantially fastened hardwood partition or the equivalent. Not more than a 48-hour supply of explosives, including any surplus remaining from the previous day, shall be stored underground in such boxes or magazines.

(b) Explosives and detonators kept near the working faces shall be stored in separate, closed containers of substantial nonconductive material located not less than 15 feet from rail or power lines, except that if kept in a niche in the rib, the distance shall be at least 5 feet, and in a location out of line of blast where they will not likely be subjected to shock.

(c) Explosives and detonators shall be kept in their containers until removed for use at the working faces.

(d) Only nonmetalic tools shall be used for opening containers underground.

(5) Blasting practices.

(a) In all mines, for the blasting of coal or other blasting operations, permissible explosives or permissible blasting devices shall be used. The use of permissible explosives shall comply with the following:

(1) Fired only with electric detonators of proper strength.

(2) Fired with permissible blasting units unless blasting is done from the surface.

(3) Boreholes in coal shall not be drilled beyond the back of the cut, nor into the solid rib, roof or floor.

(4) Boreholes shall be cleaned and checked to see that they are placed properly and are of correct depth, in relation to the cut, before being charged.

(5) To prevent blow-throughs, all portions of the boreholes where the height of the coal permits, shall have a burden in all directions of at least 18 inches before being fired.

(6) Boreholes shall be stemmed with at least 24 inches of incombustible material, or the equivalent, or at least one-half of the length of the hole shall be stemmed if the hole is less than 4 feet in depth.

(7) In gassy mines examinations for gas shall be made immediately before and after firing each shot where on-shift shooting is done.

(b) Charges exceeding 1½ pounds, but not exceeding 3 pounds, shall be used only if boreholes are 6 feet or more in depth and explosives are charged in a continuous train, with no cartridges deliberately deformed or crushed, with all cartridges in contact with each other, and with the end cartridges touching the back of the hole and the stemming respectively, and Class A or Class B permissible explosives are used. Provided however, that the 3-pound limit shall not apply to solid rock work such as solid rock tunnels, shafts, etc.

(c) Competent persons shall be designated to fire shots and they shall comply with the requirements of this act pertaining to blasting.

(d) Boreholes shall not be charged while any other work is being done at the face, and the shot or shots shall be fired by the person who examined and charged the hole or holes, before any other work is done.

(e) Only wooden tamping bars shall be used when charging holes.

(f) Leg wires of electric detonators shall be kept shunted or the ends twisted together until ready to connect to the firing cable.

(g) Shots shall not be fired from the power or signal circuit. Shots may be fired by means of a specially approved shot-fired circuit designed for blasting from the surface when all men are out of the mine.

(h) Roof and faces of working places shall be tested before and after blasting.

(i) Ample warning shall be given before shots are fired, and care shall be taken to ascertain that all persons are in the clear. Men shall be removed from adjoining working places when there is danger of a shot blowing through.

(j) Mixed charges shall not be charged or fired in any borehole.

(k) Adobe (mudcap) or other open, unconfined shots shall not be fired in any mine.

(l) The district mine inspector may prescribe the conditions under which solid shooting may be done in any mine.

(6) Blasting cables.

(a) Blasting cables shall be:

(1) Well insulated and as long as may be necessary to permit the shot firer to get in a safe place around a corner.

(2) Short-circuited at the battery end until ready to attach to the blasting unit.

(3) Staggered as to length or kept well separated when attached to the detonator leg wires.

(4) Kept clear of power wires and all other possible sources of active or stray currents.

(b) Power wires in face region shall be deenergized during charging and blasting operations.

(c) Blasting cables with splices shall not be used.

(7) Misfires.

(a) Where misfires occur with electric detonators, a waiting period of at least 5 minutes shall elapse before anyone returns to the shot. After such failure, the blasting cable shall be disconnected from the source of power and the battery end short-circuited before electric connections are examined.

(b) Explosives shall be removed by firing a separate charge at least 2 feet away from, and parallel to, the misfired charge or by washing the stemming and the charge from the borehole with water, or by inserting and firing a new primer after the stemming has been washed out.

(c) A very careful search of the working place, and, if necessary, of the coal after it reaches the tipple shall be made after blasting a misfired hole, to recover any undetonated explosive.

(d) The handling of a misfired shot shall be under the direct supervision of a certified person.

(8) Cardox.

(a) The provisions governing the handling, storage, and transportation of explosives shall apply to the heater elements of Cardox blasting devices prior to their installation in the shells.

(b) Charged Cardox shells shall be transported underground in insulated cars or in insulated boxes placed in ordinary mine cars and shall be stored on wooden racks, built for that purpose, in a crosscut or an idle room neck, at least 10 feet from power lines and haulage tracks.

(c) Where Cardox is used for blasting, the following shall apply:

(1) When Cardox is fired all persons in the vicinity, including the shot firer, shall be around a second corner or in an equally safe place.

(2) Blasting cables shall be as long as may be necessary to assure the safety of the shot firer, attached only after the charge has been placed in the borehole, and maintained in good repair.

(3) The charge shall be detonated with a permissible shot firing unit.

(4) Cardox shall not be shot off the solid, over heavy rock binders or shale, or in a "tight" shot.

(5) Cardox misfires shall not be approached until after the lapse of 15 minutes and shall be handled under the supervision of a foreman or other certified person. Misfired shells shall be bled off before removal from the hole, and shall be marked conspicuously upon removal from the hole.

(9) Airdox.

(a) Where Airdox is used for blasting or breaking down the coal, the following shall apply:

(1) Compressed air shall be conducted from the compressor to within a practical working distance of the face by steel air lines tested to withstand an approximate pressure of 20,000 pounds per square inch.

(2) Air lines shall be grounded at the compressor and, if possible, at other low-resistance ground connections along the lines, such as a borehole casing. They shall not be connected in any way to tracks, water lines, or other electric power return conductors and shall be suitably insulated where they cross electric wires or underneath the track.

(3) Unions shall be installed in steel air lines at not more than 1,000-foot intervals. Insulated couplings shall be installed at the inby end of such lines.

(4) Shut-off valves shall be installed every 1000 feet in all Airdox lines and, in all branch lines, at a point near the main lines.

(5) Airdox lines shall be protected at places where equipment passes over, under, or adjacent to them; they shall not be handled or repaired when air pressure is in the line.

(6) Air lines shall be examined periodically for kinks or other weaknesses and replaced immediately when defects are found.

(7) Copper tubing shall be coiled and uncoiled properly. The part of the tubing that is affected by frequent coiling and uncoiling shall be renewed periodically.

(8) Blow-down valves shall not be less than 45 feet from the face and shall be around a right angle.

(9) Holes for Airdox tubes shall not be on the solid.

(10) The Airdox tube shall be pushed to the back of the drill hole and then withdrawn 6 to 12 inches to form an air cushion.

(11) When blow-down valves are opened to discharge the Airdox tube, they shall remain open until time to place the tube in the next borehole.

(12) After the breaking down of the coal in any one place, the tube shall be disconnected at once from the air line and not reconnected until ready to be used in the next place.

(13) When an Airdox tube fails to discharge the line leading to the tube shall be disconnected at the blowdown valve and the tube shall be dragged by means of the line to an abandoned place marked with warning signs, and left for 12 hours before any repair work is done thereon.

(14) All persons shall be removed from adjoining working places where there is danger of breaking through and shall be at a safe distance around a right angle, while coal breaking is in progress.

Section 23—A new section of the Kentucky Revised Statutes is created, to be numbered KRS 352.050, and to read as follows:

Ventilation and mine gas regulations

(1) Main fans.

(a) Mines shall be ventilated by means of main fans which shall be installed on the surface in fireproof housings, situated not less than 15 feet from the nearest side of the mine opening, and be equipped with fireproof airducts and ample pressure-relief or explosion doors. Provided that present fans that are offset any distance from the mine opening need not be moved if they otherwise comply with the provisions of this Section.

In lieu of requirements for the location of the fan and the pressure-relief or explosion doors, the fan may be directly in front of, or over, the mine opening, provided the opening is not in direct line with possible forces coming out of the mine if an explosion occurs, and provided further that there is another opening having a weak-wall stopping or explosion doors that would be in direct line with the forces coming out of the mine if an explosion occurs, such opening to be not less than 15 feet nor more than 100 feet from the fan opening.

(b) No main fan shall be allowed in any mine.

(c) Main mine fans shall be installed to permit the reversal of air flow, provided with a pressure-recording gage or water gage and, unless the fan is attended constantly, an automatic device to give alarm when the fan slows down or stops. This device shall be placed so that it will be seen or heard by a responsible person.

(d) The main fan shall be on a separate power circuit, independent of the mine circuit.

(e) Main-fan installations shall be protected from wood fire, grass fire, and rubbish for at least 100 feet in all directions from the fan installations.

(f) The fan shall be inspected daily and a record kept of the inspection, which shall be open for inspection by interested persons.

(g) If any accident occurs to the ventilating fan or its machinery, so that the ventilation of the mine will be seriously interrupted, the mine foreman shall order the men to withdraw immediately from the mine and shall not allow them to return until the ventilation has been restored and the mine thoroughly examined by him, or by an assistant mine foreman or fire boss, and reported safe.

(h) Main fans shall be operated continuously except when the mine is shut down with all men out of the mine. In such event, after the fan has been started, the mine shall be examined for gas and other hazards by a certified examiner and made safe before men, other than the examiners, are permitted in the mine.

(2) Booster and auxiliary fans.

(a) After the effective date of this act, booster fans shall not be installed unless a permit has been granted by the chief of the department. In mines where such fans are now being used, their use may be continued, but they or any new installations shall be surrounded with safeguards as follows:

(1) The fan shall be powered with a permissible driving unit, the surroundings of the fan fireproofed, and the fan installed and located so as to prevent recirculation of air.

(2) Passageway by the fan installation shall be by means of the air lock, the doors of which shall have at least 30 square feet cross-sectional area and open automatically when the fan stops operating.

(3) In case of booster-fan stoppage, the procedure hereinbefore contained in this act with respect to stoppage of main fans shall apply to the section of the mine affected.

(4) Inspected at least twice each shift and provided with a signal light, audible signal, or attended constantly.

(b) After the effective date of this act, blower fans with tubing shall not be installed in a mine unless a permit has been granted by the chief of the department. In mines where such fans are now being used, their use may be continued, but they

and any new installations shall be surrounded with safeguards as follows:

(1) The fan in a gassy mine shall be powered with a permissible driving unit.

(2) The fan shall be installed on the intake-air side of the entrance of the place to be ventilated not less than 16 feet from the nearest rib.

(3) The volume of air in which the fan is placed shall be at least 5 times the manufacturers' maximum rated capacity of the fan.

(4) The fan tubing shall be maintained in good condition. The discharge end of the tubing shall be kept within 20 feet of the face, and not more than 300 feet of the tubing shall be extended from the fan.

(5) Places in a gassy mine ventilated by means of blower fans shall be examined for methane by a certified person designated by the mine foreman before the fan is started at the beginning of the shift and after the interruption of fan operation for 5 minutes or more during the shift.

(6) Accumulations of methane shall not be moved by means of a blower fan and tubing; only line brattice shall be used for this purpose.

(7) The fan and tubing shall be inspected at least twice during each working shift.

(3) Volume of air.

(a) The main intake air current shall when necessary be divided into splits utilizing air crossings, where needed, so as to ventilate all parts of the mine effectively.

(b) The number of men in the same air current or split shall be limited to 60, provided that, in an emergency with the approval of the district mine inspector and the chief, the number may be increased to as many as 80 for a period not exceeding 30 days.

(c) The quantity of air reaching the last open breakthrough in any pair or sets of entries shall not be less than 6,000 cubic feet a minute. Provided, however, that in nongassy mines

that have been developed not more than 1,000 feet from the main intake air opening the quantity may be less than 6,000 cubic feet per minute at the discretion of the district mine inspector or chief of the department. The quantity of air reaching the last open break-through in any pair or set of entries in pillar sections may be less than 6,000 cubic feet a minute, provided that at least 6,000 cubic feet of air a minute is being delivered to the intake end of the pillar line. Mines now operating without the prescribed quantity of air in the last open break-through of each pair or set of entries may continue to operate in such manner for a period not exceeding six months.

(d) In gassy mines, haulage roads on which trolley equipment is operated shall be on intake air.

(e) The air current at working faces shall under any condition have a sufficient volume and velocity to dilute and carry away immediately smoke from blasting and any flammable or harmful gases.

(f) At least once each week, the mine foreman, his assistants, or other certified persons designated by the mine foreman, shall measure the volume of air near the main intake or main return, the amount passing through the last open breakthroughs of entries, and the volume of air in the intake and return of each split. A record of these measurements shall be kept in a book on the surface and shall be open for inspection by interested persons. On or about the first day of each month the owner, operator, or superintendent shall mail or cause to be mailed to the district mine inspector a true copy of the air measurements recorded in said book.

(4) Coursing of air.

(a) The main intake and main-return air currents in mines opened after the effective date of this Act shall be in separate openings.

(b) Battery-charging stations and transformer stations containing liquid-filled transformers shall be well ventilated by separate splits of air conducted through vents to the return air courses and returning direct to the surface. Transformer sta-

tions shall not be installed underground until the plans have been approved by the chief of the department.

(c) Changes in ventilation that may affect the safety of the men shall be made when the mine is idle and with no men in the mine, other than those engaged in changing the ventilation. Such changes shall be under the direct supervision of the mine foreman.

(d) No operator, superintendent or mine foreman shall permit any person to work at a place where sufficient ventilation cannot be maintained, except persons employed to make the places of employment safe in compliance with the requirements of this chapter, and while repair work necessary to comply with the requirements is in progress no person shall be permitted to enter that part of the mine affected except those actually employed in doing the repair work. Such repair work shall be done under the constant supervision of a certified official designated by the mine foreman.

(5) Quality of air.

(a) Air in which men work or travel in mines shall be improved when it contains less than 20.0 percent oxygen, more than 1.0 percent carbon dioxide, or is contaminated with noxious or poisonous gases.

(b) If the air immediately returning from a split that ventilates any group of active workings contains more than 0.5 percent methane, the ventilation shall be improved.

(c) If the air immediately returning from a split contains 1 percent methane, the employees, except those necessary to correct the condition, shall be withdrawn from the mine or portion of the mine affected, and all power shall be cut off from said mine or portion of the mine, until such dangerous condition has been corrected.

(d) At working faces and other places where methane can be detected in an amount of 1 percent or more, blasting shall not be done and the men shall be removed from such working faces or places until such condition has been corrected.

(e) When the methane content of air in face operations exceeds 1 percent at any point not less than 12 inches from the

roof, face or rib, as determined by a permissible methane detector, a permissible flame safety lamp, or by chemical analysis, the men shall be removed from the affected area until the condition has been corrected by improving the ventilation.

(6) Breakthroughs and stoppings.

(a) As working places advance, breakthroughs for air shall be made sixty feet apart, except where it is now permitted, with the approval of the district mine inspector and the chief of the department, to drive to ninety feet before making breakthroughs.

(b) Breakthroughs between entries shall be closed, except the last one in a pair or set of entries.

(c) Where necessary to obtain a movement of air to the face of a room to clear the room of flammable or noxious gases, breakthroughs between rooms shall be closed, except the one nearest the face.

(d) A breakthrough shall be provided at or near the face of each entry or room before the place is abandoned.

(e) Entries or rooms shall not be turned off an entry beyond the last breakthrough.

(f) On entries other than room entries, stoppings in breakthroughs between intake and return airways shall be built of substantial, incombustible material, such as concrete, concrete blocks, bricks, or tile.

(7) Doors and overcasts.

(a) Doors used on main entry or cross-entry (entries from which room entries are turned) haulage roads shall be in pairs to provide an air lock large enough to contain an entire trip; provided however, when only a single manually operated door is installed, such single door shall be attended constantly. Where air-lock doors are provided, there shall be sufficient leakage to prevent accumulations of methane between doors. Doors shall be hung so they close automatically when unobstructed.

(b) Doors shall be kept closed except when men or equipment is passing through the doorways. Motor crews and other

persons who open doors shall see that the doors are closed before leaving them.

(c) Overcasts shall be constructed tightly of incombustible material, such as masonry, concrete, concrete blocks, or prefabricated metal, of sufficient strength to withstand possible falls from the roof, and be of ample area to pass the required quantity of air.

(8) Line brattice.

(a) Substantially constructed line brattice shall be used from the last open crosscut of any entry or room, when necessary to remove gases, explosive fumes, and smoke. When damaged by falls or otherwise, they shall be repaired promptly.

(b) The space between the line brattice and the rib shall be large enough to permit the flow of a sufficient volume of air to keep the working face clear of flammable and noxious gases.

(c) Flame-resistive material shall be used in the construction of line brattice.

(9) Old workings.

(a) The entrances to all abandoned workings shall be posted to warn unauthorized persons against entering the territory, and no person except persons authorized to make examination thereof, shall enter any unused or abandoned part of a mine, after such warning has been posted.

(b) Abandoned workings shall be sealed or ventilated.

(c) If abandoned workings are sealed, the sealing shall be done in a substantial manner with incombustible material. In every sealed area, one or more of the seals shall be fitted with a pipe and cap or valve to permit the gases behind the seals to be sampled and also to provide a means of determining any existing hydrostatic pressure. When deemed advisable by the chief of the department, drill holes shall extend from the sealed area to the surface or vent pipes shall extend from the sealed area to the return air course.

(d) In gassy mines air that has passed through or by abandoned sections or that has been used to ventilate pillar lines shall not be reused to ventilate live face workings.

(e) No person shall attempt to enter, explore, or survey an abandoned mine or portion thereof without the approval of the district mine inspector or the chief of the department.

(10) Examinations for gas and dangerous conditions.

(a) Any mine in which methane has been ignited or has been found by means of a permissible flame safety lamp or by air analysis in an amount of 0.25 percent or more in any open workings, shall be classed gassy.

(b) Not less than two permissible flame safety lamps in proper working condition shall be kept available at each mine for the use of authorized persons. Only permissible flame safety lamps, permissible methane detectors or air sampling and analysis shall be used for determining the presence of methane in mine air, and only persons qualified by law shall be allowed to use a flame safety lamp underground.

(c) At mines requiring officials to have first-class certificates, the officials whose regular duties require them to inspect working places shall have in their possession when underground, a lighted permissible flame safety lamp in safe working condition, to be used for the detection of methane and oxygen deficiency.

(d) Certified fire bosses shall make examinations of all mines before other men are permitted to enter, regardless of whether the mine is being operated or is idle, and they shall begin their examination in the first working place in their assigned territory not more than 3 hours before the first shift enters the mine; however, such examinations in multiple-shift operations may be made by certified officials within 3 hours of the entrance of the next or succeeding shift; provided that in nongassy mines such examination need be made only before the first shift enters the mine.

(e) The duties of the fire boss shall be to visit every live working place in the mine; test with a permissible flame safety lamp for methane, noxious gases, and oxygen deficiency; examine seals and doors; test and inspect the roof, face and rib conditions

in all places examined including active roadways and travelways and approaches to abandoned workings; examine accessible falls in active sections for explosive gas and other hazards; be certain that the air is traveling in its regular course and required volume in each split; and place his initials and the date at or near the face of each place examined.

(f) Where dangerous conditions are found by the fire boss the place shall be dangered off with an approved DANGER sign and no one except an authorized person shall cross the DANGER sign and then only for the purpose of correcting the dangerous condition.

(g) Upon completion of his examination, the fire boss shall report in person to a proper official on the surface any dangerous conditions found before the men enter the mine.

(h) The fire boss shall record in ink or indelible pencil the result of his inspection in a book kept on the surface for that purpose. Such record shall be made immediately after the examination is completed, and he shall personally check each miner into the mine, advising each as to the condition of his working place and prohibiting any miner whose working place is in dangerous condition from entering therein unless or until authorized by the foreman to do so.

(i) The record books of the fire bosses shall at all times during working hours be accessible to the district mine inspector, and to any interested employee of the company. Each fire boss shall furnish the district office of the department, once each week, by regular mail at company expense, a true copy of such records which shall be preserved. Failure of the fire boss to furnish such copy to the district office, as aforesaid, shall subject the fire boss to the penalties provided in Sections 352.110 and 352.120 of the Kentucky Revised Statutes.

(j) Idle and abandoned sections shall be inspected for gas and other dangerous conditions by a certified foreman or fire boss immediately before other employees are permitted to enter or work in such places.

(k) The working places in all mines shall be examined by a certified official for hazards at least once during each shift while

the men are in the mines, or oftener if necessary for safety. Such examinations at mines requiring officials to have first-class certificates, shall include tests with a permissible flame safety lamp for methane, noxious gases and oxygen deficiency. Any dangerous condition found shall be corrected promptly.

(l) In gassy mines pillar workings shall be examined by a certified person for explosive gas and other dangers before a fall is purposely made. If methane is found in amounts that can be detected with a permissible flame safety lamp, the fall shall not be made until the gas is removed or other precautions shall be taken to safeguard all employees.

(m) At least once each week, air samples shall be collected for analysis or tests for methane shall be made in all mines with a permissible methane indicator or a permissible flame safety lamp by the mine foreman or other certified person designated by him, in the return of each split immediately outby the last working place, in the main return, pillar falls, seals, abandoned workings, and entrances thereto, and shall also make an examination for other dangerous conditions; leave his initials and date at the places examined and, if dangerous conditions are found, they shall be corrected promptly. A record of these tests and examinations shall be kept.

(n) The mine foreman shall read and countersign the record book of the fire bosses daily and read and countersign the daily and weekly reports of assistant foreman. Where such reports disclose any dangerous conditions or where dangerous conditions exist, prompt action shall be taken to have them corrected. The superintendent or official in charge of the mine shall also read and countersign the daily and weekly reports of mine officials.

(o) All records of daily and weekly reports shall be open for inspection by interested persons.

Section 27. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 352.060, and to read as follows:

Coal and rock dust regulations.

(1) Control of coal dust.

(a) Coal dust shall not be permitted to accumulate excessively on roadways and along conveyor lines.

(b) Where mining operations raise an excessive amount of dust into the air, water or water with a wetting agent added to it or other effective methods shall be used to allay such dust at its source.

(2) Rock dusting.

(a) All mines, except those mines or those locations in a mine in which the dust is too wet or too high in incombustible content to propagate an explosion, shall be rock-dusted to within 40 feet of all active working faces, and all open breakthroughs within the 40-foot zone shall be rock dusted. However, if the dust in a mine or any part of it is wet but becomes dry, the mine so affected shall be rock-dusted as soon as it becomes dry.

(b) In mines rock-dusted partially or in mines that are required to start rock dusting, haulageways and parallel entries connected thereto by open breakthroughs shall be rock-dusted. Back entries shall be rock-dusted for at least 1,000 feet outby the junction with the first active entry. Inby this junction, the rooms, entries, and breakthroughs shall be rock-dusted by generalized rock dusting as provided for in the preceding section.

(c) Where rock dust is applied, it shall be distributed upon the top, floor, and sides of all open places and maintained in such quantity that the incombustible content of the mine dust will not be less than 65 percent.

Section 28. A new section of the Kentucky Revised Statutes is created, to be numbered 352.070, and to read as follows:

Transportation regulations

(1) Hoisting

(a) A qualified hoisting engineer shall be on duty continuously when men are underground at mines opened only by shafts, or where men are transported in or out of mines by hoists.

(b) Hoists used for handling men on the surface and underground shall be equipped with overspeed, overwind, and automatic stop controls, unless a second engineer is on duty.

(c) At the beginning of each shift and after the hoist has been idle, the hoisting engineer shall operate the cages up and

down the shaft at least one round trip before hoisting or lowering men. Similar procedure shall be followed in underground slope or surface incline hoisting, except that an attendant may ride on the trip.

(d) Underground slope, shaft, or surface incline-plane hoists shall be equipped with brakes capable of stopping and holding the fully loaded unbalanced cage or trip at any point in the shaft, slope, or on the incline. Free wheeling of drums shall not be allowed when men are being hoisted or lowered.

(e) An accurate and reliable indicator, showing the position of the cage or trip, shall be placed so as to be in clear view of the engineer, unless the position of the car or trip is clearly visible to the engineer at all times.

(f) Hoisting equipment shall be inspected daily and a record made of such inspection, which shall be open for inspection by interested persons.

(g) Hoisting ropes on all cages or trips shall be adequate in size to handle the load and have a proper factor of safety as defined in American Standards Association's Wire Rope Standards and shall be replaced when it shows more than six broken wires in any single pitch length or lay of rope.

(h) The rope shall have at least three full turns on the drum when extended to its maximum working length and shall make at least one full turn on the drum shaft or around the spoke of the drum (in case of a free drum) and be fastened securely by means of clamps.

(i) A hoisting rope shall be fastened to its load by a spelter-filled socket or by a thimble and clamps.

(j) No operator or superintendent of any coal mine worked by shaft, slope or incline shall place in charge of any engine or drum used for lowering or hoisting any persons employed in the mine any but competent and sober engineers or drum runners.

(k) No engineer in charge of such machinery shall allow any person except such as may be designated for this purpose by the operator or superintendent to interfere with any part of the machinery.

(l) No person shall interfere with or intimidate the engineer or drum runner in the discharge of his duties.

(m) In a mine worked by shaft, slope or incline no more than ten persons shall ride in any cage or car at one time, without the written approval of the district mine inspector and the chief of the department, and no person shall ride on a loaded cage.

(2) Cages, shafts and slopes.

(a) Cages used for hoisting men shall be of substantial construction; with adequate steel bonnets; with enclosed sides; with gates, safety chains, or bars across the ends of the cage when men are being hoisted or lowered; and with sufficient handholds or chains for all men on the cage to maintain their balance.

(b) The floor of the cage shall be constructed so that it will be adequate to carry the load and so that it will be impossible for a workman's foot or body to enter any opening in the bottom of the cage.

(c) Cages used for handling men shall be equipped with safety catches that act quickly and effectively in an emergency.

(d) Cages shall be inspected daily. A test of safety catches on cages shall be made at least every 2 months. A written record shall be kept of inspections and tests, which shall be open for inspection by interested persons.

(e) The speed of the cage or car when hoisting or lowering men in shafts or slopes or on incline planes shall not exceed 600 feet a minute.

(f) There shall be at least two independent methods of signaling, one of which shall be audible to the engineer, from all landings in shafts and slopes.

(g) An approved signal code shall be in use at each mine and shall be posted prominently in the engine room in easy sight of the engineer and at all regular signal stations.

(h) Workmen shall wear safety belts while doing repair work in or over shafts.

(i) When men are being hoisted or lowered at the beginning and end of each operating shift and when men are working

in the shaft, an attendant shall be on duty at each cage station where men are being handled.

(j) Shafts shall be equipped with self-closing or manually controlled safety gates at surface landings.

(k) Positive stop blocks or derails shall be placed near shaft surface landings.

(l) At the bottom of each hoisting shaft and at intermediate landings, a "run-around" shall be provided for safe passage from one side of the shaft to the other. This passageway shall be not less than 5 feet in height and 3 feet in width, and all employees when passing from one side of the shaft to the other shall use the passageway only.

(m) When the escape and fan shafts are combined, the side or end used for an escape outlet and the part used for ventilating purposes shall be separated by a good, substantial airtight fireproof partition from top to bottom and the shaft lining shall be of fireprof construction. Provided that this does not apply to shafts in use prior to the passage of this act.

(n) All shafts by which men enter or leave the mine and all passageways to escape outlets shall be carefully examined by the mine foreman, or by a person designated by him, at least once each week that the mine is operating, and the date and findings of the examination shall be entered in a book kept at the mine for that purpose.

(o) No person shall ride on any cage when coal, slate or other material is being raised or lowered.

(p) No person shall enter a cage at the bottom to be raised to the top during the running hours of the mine, or when leaving work at the close of the day's run, without first being authorized by the bottom man or cager to do so, the bottom man or cager having first signaled to the engineer that men are to be raised.

(q) Whenever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men take or leave the cage is obscured by steam or otherwise, there shall be maintained at each landing a light sufficient to show the landing and objects in immediate proximity thereto, and as long

as men are underground a good light shall be maintained at the bottom of the shaft, so that persons coming to the bottom may discern the cage and objects in the vicinity thereof.

(3) Haulage roads.

(a) The roadbeds, rails, joints, switches, frogs, and other elements of the track of all haulage roads shall be constructed, installed, and maintained in a manner consistent with speed and type of haulage operations being conducted to insure safe operation.

(b) Track switches, except room and entry development switches, shall be provided with properly installed throws, bridle bars, and guardrails; switch throws and stands, where possible, shall be placed on the clearance side.

(4) Clearance and shelter holes.

(a) Haulage roads on entries developed after the effective date of the act shall have a continuous unobstructed clearance of at least 30 inches from the farthest projection of moving equipment.

(b) On haulage roads where trolley lines are used, the clearance shall be on the side opposite the trolley lines.

(c) On the trolley-wire or "tight" side, there shall be sufficient clearance of at least 12 inches from the farthest projection of moving equipment.

(d) After the effective date of this act, all new sidetracks, partings, or entries equipped with more than one track shall have a clearance of at least 30 inches between the outermost projection of moving traffic.

(e) The clearance space on all haulage roads shall be kept free of loose rock, coal, supplies, or other materials, provided that not more than 30 inches need be kept free of obstruction.

(f) Ample clearance shall be provided at all points where supplies are loaded or unloaded along haulage roads or conveyors.

(g) Where it is necessary for men to cross conveyors regularly and where the width of conveyors or low roof introduces a hazard, suitable crossover bridges shall be provided.

(h) Shelter holes shall be provided along haulage entries driven after the effective date of this act where locomotive, rope, or animal haulage is used. Such shelter holes shall be spaced not more than 60 feet apart. Except where the trolley wire is 6½ feet or more above the rail or guarded effectively at the shelter holes, they shall be on the side of the entry opposite the trolley wire.

(i) Shelter holes made after the effective date of this act shall be at least 5 feet in depth, not more than 4 feet in width, and 6 feet in height or as high as the traveling space, if the traveling space is less than 6 feet high. Room necks and breakthroughs may be used as shelter holes even though their width exceeds 4 feet.

(j) Shelter holes shall be kept clear of refuse and other obstructions.

(k) Shelter holes shall be provided at switch throws, except where more than 6 feet of clearance is maintained, and at room switches.

(l) At each landing of a slope where men are passing and cars are handled, a shelter hole at least 10 feet deep, 4 feet wide, and 6 feet high shall be provided.

(m) No person shall travel on foot to or from work upon any slope used for haulage or upon any haulage road when other roads in proper condition for travel are available.

(5) Haulage equipment.

(a) Nonpermissible internal combustion engines or other machinery which gives off noxious fumes shall not be permitted underground in any coal mine.

(6) Safety devices and practices.

(a) Locomotives shall be equipped with proper devices for the re-railing of locomotives and cars.

(b) An audible warning device and headlights shall be provided on each piece of self-propelled mobile equipment used underground.

(c) Where hoists are used for handling men in underground slopes, in pitching beds, or on slopes between two or more beds, the provisions governing hoisting or haulage mentioned heretofore shall apply.

(d) A permissible trip light shall be used on the rear of trips pulled, on the rope end car of trips pulled up slopes, and on the front of trips lowered into slopes or pushed. Provided that trip lights need not be used during gathering operations at working faces.

(e) Pushing of cars on main haulage roads shall be prohibited, except where necessary to push cars from side tracks to producing entries, where necessary to clear switches and side tracks, and on the approach to cages.

(f) Back-poling shall be prohibited except at places where the trolley pole cannot be reversed or when going up extremely steep grades and then only at very slow speed.

(g) Other than the motorman and brakeman, no person shall ride on a locomotive, and no person shall ride on loaded cars or between cars of any trip; provided that the brakeman may ride on the rear of the last car of a pulled trip. Trip riders on rope haulage shall be subject to rules specified by the department.

(h) Motormen and brakemen shall not get on or off cars, trips, or locomotives in motion; provided that a brakeman may get on or off the rear end of a slowly moving trip to throw a switch or to close a door.

(i) All trips and all traffic equipment shall come to a complete stop before couplings are made by hand, unless a coupling hook is used.

(j) Standing cars on any track, unless held effectively by brakes, shall be properly blocked or spragged. Cars shall be secured effectively at working faces.

(k) On slopes and planes having a knuckle, there shall be a positive-acting stopblock, at or above the knuckle, and a derail.

(l) In each working place going to the dip or rise, a positive-acting stopblock, shall be used to prevent a runaway.

(m) When coal is not being loaded, but men are working at a room or entry face, a positive-acting stopblock or derail shall be placed across the room or entry track, or the room switch shall be kept closed to prevent cars from being inadvertently pushed or running into the places.

(n) Slides, skids, or other adequate means shall be used on descending trips on grades where the locomotive is not adequate to control the trip, and where practicable, a drag shall be used on all ascending trips.

(o) Material being hauled inside the mine shall be so loaded and protected that there is no danger to the motorman or brakeman from sliding of equipment and material.

(p) On all main haulage roads where hauling is done by machinery the mine foreman shall provide a proper system of signals.

(7) Transportation of men.

(a) Man-trips on the surface and underground shall be operated at safe speeds consistent with the condition of roads and type of equipment in use. Where controversy arises as to safe speed, the District Mine Inspector shall hold a hearing between the Mine Management and the Safety Committee and a safe operating speed will be established.

(b) Each man-trip on the surface and underground shall be under the charge of a responsible person and it shall be operated independently and not closer than 300 feet, or within the same block of the signal system, of any mobile track equipment.

(c) Surface or underground man-trip cars shall not be overloaded, and sufficient cars in good mechanical condition shall be provided.

(d) No person shall ride under the trolley wire on the surface or underground unless suitable covered man-cars are used.

(e) No material or tools shall be transported in the same car with men on any man-trip, and all persons shall ride inside of man-trip cars, provided that this shall not apply to the motorman or brakeman.

(f) Men shall not load or unload before the cars in which they are to ride or are riding come to a full stop, and men shall proceed in an orderly manner to and from man-trips.

(g) A waiting station shall be provided where men are required to wait for man-trips or man-cages on the surface or underground. It shall have sufficient room, ample clearance from moving equipment, and adequate seating facilities.

(h) Trolley and power wires shall be guarded effectively at man-trip stations where there is a possibility of any person coming in contact with energized electric wiring while loading or unloading from the man-trip on the surface or underground.

(i) Where belts are used for transporting men, a minimum clearance of 18 inches shall be maintained between the belt and the roof or cross bars, projecting equipment, cap pieces, overhead cables, wiring, or other objects; but where the height of the coal bed permits, the clearance shall not be less than 24 inches.

(j) The belt speed shall not exceed 250 feet a minute while men are loading, unloading, or being transported.

(k) The space between men riding on a belt line shall not be less than 5 feet.

(l) Loading and unloading stations shall be illuminated properly.

(m) An official or some other person designated by the mine foreman shall supervise the loading and unloading of belts and man-trips on the surface and underground.

(n) The use of slides for lowering persons on slopes or incline planes is prohibited.

Section 29. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 352.080, and to read as follows:

Electricity regulations.

(1) Surface transmission lines.

(a) Overhead high-potential power lines shall be placed at least 15 feet above the ground and 20 feet above driveways

and haulageways, shall be installed on insulators, and shall be supported and guarded to prevent contact with other circuits.

(b) Overhead power circuits shall be protected against lightning and voltage surges, and high-potential power lines shall be protected adequately by circuit breakers, fuses, or both.

(c) Electric wiring in surface buildings shall be installed so as to present minimum fire and contact hazards.

(2) Transformer stations.

(a) Unless surface transformers are isolated by elevation (8 feet or more above the ground), they shall be enclosed in a transformer house or surrounded by a suitable fence at least 6 feet high. If the enclosure is of metal, it shall be grounded effectively. The gate or door to the enclosure shall be kept locked at all times, unless authorized persons are present.

(b) Surface transformers containing flammable oil and installed where they present a fire hazard (near mine openings or in or near combustible buildings) shall be provided with means to drain or to confine the oil in event of rupture of the transformer casing.

(c) Transformers ordered after the effective date of this act, both permanent and portable, for use underground shall be air-cooled or nonflammable-liquid cooled.

(d) Permanent underground stations containing transformers filled with flammable oil shall be provided with door sills, or their equivalent, that will confine the oil if leakage or explosion occurs.

(e) Portable underground substations for transformers or other power conversion equipment shall be in fireproof housings. Where the installation contains transformers filled with flammable oil, means shall be provided to confine the oil in event of leakage or explosion.

(f) DANGER—HIGH VOLTAGE signs shall be posted conspicuously on all transformer enclosures, high-potential switchboards, and other high potential installations.

(3) Substations and switchboards.

(a) Surface and underground substations shall be kept free from refuse, and metal containers shall be provided for oily waste.

(b) Switchboards installed after the effective date of this act shall be located so that ample room will be provided between the switchboard and passageways or lanes of travel and shall have an entrance at each end to permit authorized persons to inspect, adjust, or repair apparatus back of the board. Switchboards shall have the entrance to the rear guarded against entrance of unauthorized persons, unless in a building that is kept locked.

(c) Switchboards shall be well lighted for switch operations in the front and for repair and maintenance in the rear.

(d) Rooms housing switchboards shall be free of debris and refuse.

(e) Pull switches and circuit breakers, or other power controls shall be mounted on slate or other suitable insulating material.

(4) Power circuits.

(a) High-potential power cables (600 volts or more) carried from the surface through shafts, boreholes, and underground passageways shall be adequate for the services intended, installed in a permanent manner, and guarded from mechanical injury.

(b) Power wires carrying less than 600 volts, whether bare or insulated, except ground wires and trailing cables shall be supported on or by well-installed insulators and shall not touch combustible materials, roof, or ribs.

(c) Power wires shall be insulated properly when passing through doors and stoppings, and where they cross other power circuits.

(d) Electric cables and wires, other than signal wires, and trolley wires used for haulage, installed in haulage slopes shall

be buried not less than 12 inches below combustible material or installed in fireproof protective conduit.

(e) Where track is used as a power conductor:

(1) Both rails of main-line tracks shall be well bonded at every joint and cross-bonded at least every 200 feet; however, if the track circuit is paralleled with a feeder cable, both rails of the track shall be well bonded at every joint and cross bonds shall be installed at least every 1,000 feet in both the track and the feeder circuit.

(2) At least one rail on secondary haulage roads shall be well bonded at every joint and cross bonds shall be installed at least every 200 feet.

(3) Switches on entries shall be well bonded.

(f) Power shall be disconnected before repair work is to be done on energized electric circuits or energized parts of electric equipment, or employees required to make repairs on energized bare trolley lines shall wear protective clothing, such as insulated shoes and lineman's gloves.

(g) Trolley wires and trolley feeder wire shall be installed as follows:

(1) On the opposite side of the entry from shelter holes and clearance space, except where 6½ feet or more above the rail.

(2) The hangers on curves shall be spaced so that the trolley wire may become detached at any one hanger without exposing the locomotive operator to a shock hazard.

(3) Alined properly and installed at least 6 inches outside the track-gage line.

(4) Provided with cut-out switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

(5) Kept taut and not permitted to touch the roof, rib, or crossbars; particular care shall be taken where they pass through door openings to preclude the possibility of bare wires coming in contact with combustible material.

(6) Guarded adequately where it is necessary for men to pass or work under them regularly, unless the wires are more than 6½ feet above the top of the rail. They shall also be guarded adequately on both sides of doors.

(7) Shall not extend beyond the last open breakthrough and shall be kept at least 150 feet from pillar workings.

(8) Anchored securely and insulated properly at the ends.

(9) Not in air known to contain 1.0 percent or more methane or in air returning from pillar recovery work or old workings where dangerous amounts of methane may be liberated suddenly.

(h) All power wires and cables in hoisting shafts or manway compartments shall be properly insulated, substantially fixed and well protected.

(5) Grounding.

(a) Metal conduit and metallic coverings and armor of cables shall be grounded effectively and shall be electrically continuous to afford a conductor path for the ground circuit.

(b) Metallic frames, casings, and other electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded effectively.

(c) Casings of transformers shall be grounded effectively unless protected by isolation (freedom from contact hazard by position).

(d) Mining equipment mounted on rubber tires or caterpillar treads, receiving power through a trailing cable, purchased after the effective date of this act, shall be grounded effectively.

(6) Circuit breakers and switches.

(a) Electric equipment shall be protected against excessive overload with fuses or equivalent protective devices of the correct type and capacity. Wires or other conducting materials shall not be used as a substitute for properly designed fuses, and where circuit breakers are used, they shall be maintained in

proper operating condition and adjusted so that equipment cannot be overloaded.

(b) Switches and circuit breakers shall be installed so that they are readily accessible and can be operated without danger of contact with moving or live parts.

(c) Disconnecting switches shall be installed in all main power circuits at the bottoms of shafts, boreholes, or other places where main power circuits enter the mine, and at all important sections in the mine.

(d) Underground electric equipment and circuits shall be provided with switches or other controls of safe design and construction, and they shall be installed in a safe manner.

(e) Power circuits shall be protected as far as possible against short circuit or excessive overload. Wires or other conducting materials shall not be used as a substitute for properly designed fuses; where circuit breakers are used they shall be maintained in poper operating condition.

(f) Dry wooden platforms, rubber mats, or other electrically non-conductive material shall be kept in place at each switchboard, powercontrol switch, and at stationary machinery where shock hazards exist.

(7) Telephone systems.

(a) Telephone service or equivalent communication facilities shall be provided at the bottom of each main shaft or slope and in all mines from the surface to the working sections of the mine, where the mine workings are 500 feet or more from the surface opening.

(b) Telephone lines, other than cables, shall be carried on insulators, installed on the opposite side from power or trolley wires, and where they cross power or trolley wires, they shall be insulated adequately.

(c) Telephone circuits on the surface shall be protected by lightning arresters.

(8) Signal systems.

(a) Signal wires shall be supported on insulators and insulated properly where they cross power lines.

(b) Bare signal wires that are readily accessible to personal contact shall not carry more than 30 volts. (This does not apply to block-signal systems.)

(9) Electric face equipment.

(a) All electric face equipment taken into gassy mines shall be permissible equipment approved by the United States Bureau of Mines, except that explosion-tested cable-reel locomotives and shuttle cars may be used. Provided, however, that nonpermissible face electric equipment now in use in gassy mines may be continued in use in such mines for a period not exceeding 10 years from the date of passage of this act.

(b) Permissible junction or distribution boxes shall be used for making multiple-power connections in working places or other places where dangerous quantities of methane may be present or may enter the air current, or power connections shall be made in intake air.

(c) Permissible equipment shall be maintained in a good state of repair and in permissible condition. Explosion-tested equipment shall be maintained in a good state of repair and in explosion-tested condition.

(d) No electrically driven equipment shall be taken into or operated in a working place where 1.0 percent or more methane can be detected at any point not less than 12 inches from the roof, face, or rib.

(e) In all face workings of gassy mines, inspections for methane shall be made before electric equipment is taken into or operated in face regions, and tests shall be made for methane at not more than 10-minute intervals while such equipment is operated in face regions.

(f) Electric drills or other electrically operated rotating tools intended to be held in the hands shall have the electric switch constructed so as to break the circuit when the hand

releases the switch or shall be equipped with friction or safety clutches.

(g) Explosion-tested cable-reel locomotives in gassy mines shall be equipped with 2-conductor trailing cables.

(10) Trailing cables.

(a) All trailing cables purchased after the effective date of this act for use on electric mine equipment shall meet the United States Bureau of Mines tests for flame-resistive qualities.

(b) Trailing cables shall be provided with suitable overload protection and power taps, unless properly connected to permissible junction or distribution boxes.

(c) The number of temporary, unvulcanized splices in a trailing cable shall be limited to four. The number of temporary, unvulcanized splices in a short hand cable shall be limited to one.

(d) Trailing cable splices shall be made in a workmanlike manner, mechanically strong, and well insulated.

(11) Underground illumination.

(a) Electric light wires shall be supported by suitable insulators and fastened securely to the power conductors by means of clamps or the equivalent.

(b) Electric lights shall not be installed within 150 feet of pillar workings or advancing workings.

(c) Electric lights shall be installed so that they cannot come in contact with combustible materials.

Section 30. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 352.090, and to read as follows:

Mechanical Equipment Regulations.

(1) Face equipment:

(a) The cutter chains of mining machines shall be locked securely to prevent accidental movement while being trammed or when parked.

(b) Rock drilling with percussion drills shall be done wet, except as provided for in Section 352.110.

(2) Shop and other equipment.

(a) The following shall be guarded adequately:

(1) Gears, sprockets, friction devices, and couplings with protruding bolts or nuts.

(2) Shafting and projecting shaft ends that are within 7 feet or floor or platform level.

(3) Belt, chain, or rope drives that are within 7 feet of floor or platform.

(4) Fly wheels. (Where fly wheels extend more than 7 feet above the floor, they shall be guarded to a height of at least 7 feet.)

(5) Circular and band saws and planers.

(6) Repair pits. (Guards shall be kept in place when the pits are not in use.)

(b) Machinery shall not be repaired or oiled while in motion, unless such oiling can be done without danger to the oiler.

(c) A guard or safety device removed form any machine shall be replaced before the machine is put in operation.

(d) Mechanically operated grinding wheels shall be equipped with:

(1) Safety washers and tool rests.

(2) Substantial retaining hoods, the hood openings of which shall not expose more than 90° sector of the wheel.

(3) Eye shields, unless goggles are worn by the operators.

Section 31. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 352.100 and to read as follows:

Underground Fire and Disaster Regulations.

(1) Fire prevention and control.

(a) Each mine shall be provided with suitable fire-fighting equipment, adequate for the size of the mine, such as supplies of rock dust at doors and at other strategic places, water lines and hose, water or chemical trucks, and fire extinguishers.

(b) Clean dry sand, rock dust, or fire extinguishers, suitable from a toxic and shock standpoint, shall be provided and placed at each electrical station (substations, transformer stations, permanent pump stations) so as to be out of the smoke in case of a fire in the station.

(c) After every blasting operation an examination shall be made to determine whether fires have been started.

(d) Should a fire occur, the person discovering it and any persons in the vicinity of the fire shall make a prompt effort to extinguish it.

(e) If, or when, a fire has attained such proportions that an individual cannot extinguish it, he shall report immediately the existence of the fire to a certified official of the mine, who shall order all workmen from that part of the mine affected by the fire, except those needed for fire fighting.

(f) If the fire gets out of control, men shall be withdrawn and the part of the mine in which the fire is located, or the entire mine, as conditions may require, shall be sealed or flooded.

(g) The amount of oil or grease in a mine shall be limited to a one-day supply.

(h) All fire-fighting operations shall be under the direct supervision of the mine foreman pending arrival of the State mine inspector.

(i) Oil and grease, kept in face regions or other working places shall be in portable, closed, metal containers.

(j) Underground structures (transformer stations, battery-charging stations, motor-generator stations, foremen's stations, substations, permanent pump rooms, etc.) shall be of fireproof construction. Where the fire-proofing material is in contact with timber or coal, it shall not be of metal.

(k) Rheostats, electric heaters, and resistors shall be located a safe distance from combustible materials.

(l) Where practicable, power wires underground shall be deenergized on idle days and idle shifts.

(m) Underground stables shall not be permitted in any coal mine.

(n) Procedures to be followed in event of a mine fire or explosion shall be established.

(2) Mine disasters.

(a) Whenever fire, explosion or other accident in a coal mine or in the machinery connected therewith causes loss of life or serious personal injury, the superintendent of the mine, or if he is absent, the mine foreman in charge of the mine, shall immediately give notice forthwith to the district mine inspector and Federal coal-mine inspector, stating the particulars of the accident, and if anyone is killed thereby, to the chief of the department.

(b) After a disaster, when the mine has been placed in condition to operate, an inspection of such mine in its entirety shall be made by state coal-mine inspectors, and if such inspection discloses any serious dangerous conditions, the mine shall not resume operations until such conditions are corrected.

Section 32. A new section of the Kentucky Revised Statutes is created to be numbered KRS 352.110, and to read as follows:

Miscellaneous Regulations.

(1) Mine map.

(a) An accurate map of the mine, brought up to date at least every 6 months, shall be kept posted in a place accessible to employees.

(2) Approaching abandoned workings.

(a) Whenever any working place approaches within 100 feet of abandoned workings that cannot be inspected, boreholes

shall be kept at least 12 feet in advance of the face, and 45° angle rib holes shall be drilled at least 15 feet deep and not more than 8 feet apart.

(3) Mine openings and escapeways.

(a) Every underground mine shall have at least two separate surface openings.

(b) Main slope or drift openings shall be separated by at least 50 feet of natural strata and shaft openings shall be separated by at least 100 of natural strata.

(c) New shafts and partitions therein, made after the effective date of this act, shall be fireproof. Buntons and guides may be of wood.

(d) Mine openings at isolated locations, where there is danger of fire entering the mine, shall have adequate protection against surface fires entering the mine.

(e) Not more than 10 persons shall be allowed at any one time in the mine until a connection has been made between the two mine openings, and work shall be prosecuted with reasonable diligence.

(f) When only one main opening is available, owing to final mining of pillars, not more than 20 persons shall be allowed in such mine at any one time.

(g) If any coal mine has but one means of ingress and egress for persons employed therein, and the owner does not own suitable ground for another opening, the owner may select appropriate adjacent ground for that purpose and have it condemned, by proceedings similar to those allowed for securing a private passway, in the county court of the county where the mine is situated.

(h) There shall be at least two separate and distinct travelable passageways, to be designated as escapeways, from each working section to the surface whether the mine openings are shafts, slopes, or drifts. They shall be kept in safe condition for travel and reasonably free from standing water and other obstructions. One of the designated escapeways may be the

haulage road, provided, however, that one of the escapeways shall be ventilated with intake air. At mines now operating with only one free pasageway to the surface, immediate action shall be taken to provide a second passageway.

(i) Where the designated escapeways are shafts:

(1) They shall be equipped with hoist and cage, or with travelable stairway, or ladders. No shaft more than 30 feet deep sunk after the effective date of this act shall be equipped with ladders.

(2) Stairways shall be of substantial construction, set at an angle not greater than 45° with the horizontal, and equipped on at least one side with a suitable handrail; landing platforms shall be at least 2 feet wide and 4 feet long and shall be railed properly.

(3) Ladders shall be anchored securely.

(4) Where ladders, or stairways set at an angle greater than 45°, are now installed, their use may be continued provided they are of substantial construction, with platforms at intervals of not more than 30 feet and equipped with a hand rail in the case of stairways.

(j) If a designated escapeway is a slope of not more than 45°, it shall be equipped with a stairway or adequate walkway with cleats. If the slope is more than 45°, stairways shall be installed.

(k) Direction signs shall be posted conspicuously to indicate manways and designated escapeways.

(4) Cap lamps and checking systems.

(a) In gassy mines, only permissible electric lamps shall be used for portable illumination.

(b) Each mine shall have a check-in and check-out system that will provide positive identification upon the person of every individual underground. An accurate record of the men in the mine, which shall consist of a written record, a check board, or a time-clock record, shall be kept on the surface in a place that

will not be affected in the event of an explosion. Said record shall bear a number identical to the identification check carried by the person underground.

(5) Arcs, sparks, and flames.

(a) All persons in underground workings of a gassy mine are herewith prohibited from intentionally creating any arc, spark, or open flame, except those that cannot be avoided in the normal performance of work. The carrying of matches or other flame-making devices and smoking in a gassy mine shall be prohibited. In all gassy mines the operator shall, at frequent intervals, search or cause to be searched any person entering or about to enter the mine, to prevent such person from taking or carrying therein any flame making devices, smokers' articles, or intoxicants. All persons entering or about to enter any gassy mine shall submit to such search.

(b) Welding and cutting (with electricity or flame) shall be restricted to places where trolley locomotives are permitted, provided that where it is necessary to do welding and cutting in face regions, such work shall be under the direct supervision of a certified official, who shall test for gas before starting operations and frequently thereafter. In all welding and cutting operations, precautions shall be taken against starting a fire and the area shall be rock-dusted.

(6) Protective clothing.

(a) All persons shall wear protective hats while underground and also while on the surface where falling objects may cause injury.

(b) Protective footwear shall be worn by employees, officials, and others while on duty in and around a mine.

(c) All employees inside or outside of mines shall wear approved-type goggles where there is a hazard from flying particles.

(d) Welders and helpers shall use proper shields or goggles to protect their eyes.

(e) Employees engaged in haulage operations and other persons employed around moving equipment on the surface and underground shall wear snug-fitting clothing.

(f) Protective gloves shall be worn when material which may injure the hands is handled, but gloves with gauntlet cuffs shall not be worn around moving equipment.

(g) Men exposed for short periods to gas, dust, fume, and mist-inhalation hazards shall wear permissible respiratory equipment. When the exposure is for prolonged periods, other measures to protect workmen or to reduce the hazard shall be taken.

(7) *Conduct in mine; intoxication prohibited.*

No persons shall knowingly injure any shaft, lamp, instrument, air course or brattice, obstruct or throw open airways, disturb any part of the machinery or appliances, open a door used for directing ventilation without closing it afterwards, enter any part of a mine against caution, disobey any order given in carrying out any of the provisions of Chapters 351 or 352, do any act endangering the life or health of any person employed in the mine or endangering the security of the mine or enter or be about any mine while intoxicated or under the influence of alcohol.

(8) *Suspension of fire boss; revocation of certificate.*

Any fire boss who failed to perform his duties, or who makes a false report of the condition of any place in the portion of the mine allotted to him for examination, his name shall be given to the district mine inspector for prosecution. If he is found guilty, he shall return his certificate of qualification as fire boss to the Department of Mines and Minerals.

(9) *Revocation of mine foreman or fire boss certificate, and special examiner's permit.*

The Board of Examiners may revoke any mine foreman or fire boss certificate or special examiner's permit if it is established in the judgment of the board that the holder has become unworthy to hold the certificate by reason of violation of law,

intemperate habits, incapacity, abuse of authority, willful failure to comply with the instructions of the district mine inspector to obey the mining laws, or for other just cause. The certificate or permit holder against whom charges are made may appear before the board and defend against the charges, and shall have 5 days' notice in writing of the charges previous to the hearing.

(10) Mine rules.

(a) The operator of any mine may adopt special rules consistent with Chapters 351 and 352 for the government and operation of his mine, and covering all the work pertaining thereto in and out of the mine. Before the rules are put into effect they shall be approved in writing by the chief of the department. The rules, when adopted and approved in writing by the chief, shall be printed on cardboard in the language spoken by seventy-five percent or more of the employees at the mine, and shall be posted on a bulletin board or some other conspicuous place about the mine where they may be seen by the employees at the mine. When the rules are so adopted, approved, and posted, all employees at the mine shall be deemed to have notice thereof, and to have agreed thereto, and they shall obey the rules.

(b) The mine rules shall be printed in a form prescribed by the chief of the department.

(c) Each mine operator, when requested by an employee, shall furnsh him a copy of the mine rules.

(11) *Inspection and closing of mines by department.*

(a) The operator or superintendent of every coal mine shall furnish the district mine inspector proper facilities for entering the mine and making examinations or obtaining information.

(b) The district mine inspector is hereby granted authority to order the withdrawal of men from any mine or part thereof in which dangerous or unlawful conditions exist. Provided that where conditions justify, he may grant a reasonable length of time for making repairs or for putting such mine in proper condition, but the number of men employed in the mine or in the part of the mine involved shall be limited to those necessary to

correct the unsafe condition; and provided further, that where any cessations of work are enforced, the inspector is hereby granted authority to allow such mine or part thereof to be reopened when the dangerous or unlawful conditions therein existing are removed or remedied so that they no longer exist.

(c) The owner or operator of any mine so closed may by petition apply to the circuit court of the county where the mine is located, or to the judge thereof in vacation, for an order directing the mine to be reopened, and the court or judge shall immediately hear and determine the matters arising upon the petition. If, upon full hearing thereof, the court or judge finds that the mine is in a reasonably safe condition, the prayer of the petition shall be granted; provided, however, that the operation of any order of the department pertaining to safety in coal mines shall not be suspended temporarily pending final decision of the court.

(d) Notice of the hearing shall be given to the district mine inspector and the chief of the department at least three days before the hearing, and in all such hearings the Attorney-General, the Commonwealth's attorney or the county attorney of the circuit court district or county in which the mine is situated shall appear for the state and defend the action.

(e) The district mine inspector is hereby granted authority to inspect any noncommercial mine, to prescribe suitable regulations governing the operation of such mine, and to order withdrawal of men from such mine in which dangerous conditions exist. The operator of such mine and persons employed therein shall comply with the orders and regulations of the district mine inspector; failure to comply makes the operator and employees liable to the penalties set forth in KRS 352.120.

(12) *Appeal by miners from inspection by district inspector.*

If a majority of the employees of any mine are dissatisfied with the inspection of the mine made by a district mine inspector, they may appeal in writing to the Department of Mines and Minerals, setting forth clearly and in detail the reasons for their dissatisfaction. The chief of the department shall carefully consider the appeal and promptly take action by ordering another inspection to be made by the district mine inspector, either

alone or in company with another district mine inspector detailed by the chief for the purpose if that course appears to him to be warranted by the facts set forth in the appeal, or the chief may take such other action as appears to him just and proper. The appeal shall be signed by the dissatisfied persons.

(13) *Procedure when no map filed or map incorrect.*

If the operator or superintendent of any coal mine fails to furnish to the chief of the department any map required by KRS 351.140 the chief may cause a correct survey and map of the mine or extensions thereof to be made at the expense of the owner, lessee or operator of the mine, and the cost of the map shall be recoverable from the owner, lessee or operator in the same manner as debts are recoverable by law. If at any time the chief has reason to believe that any map furnished under KRS 351.140 is materially incorrect, so that it will not serve the purpose for which it was intended, he may have a survey and map made or corrected, and the expense of making this survey, map or correction shall be paid by the owner, lessee, or operator of the mine, or recovered in the same manner as debts are recoverable by law; but if the map furnished by the operator or superintendent is found to be correct, the expense of the survey and drafting of the map shall be paid by the State.

(14) *Certification of map.*

(a) The correctness of each map provided for by KRS 351.140 or 352.110 shall be certified by the person making the map, as follows:

"I, the undersigned, hereby certify that this map is correct, shows to the best of my knowledge and belief all information required by the mining laws of this state and covers the period ending_____
Registered Engineer, (Ky.) No._____
"Acknowledged before me, a_____
this_____ day of_____"
(Engineer's Seal) _____
_____

(b) The chief of the department may reject any map as incomplete if its accuracy is not so attested.

(15) *Duplicate maps; survey of abandoned or closed mine.*

(a) The chief of the department shall, upon the application of any owner, lessee, or operator, make or cause to be made, at the expense of the applicant, a duplicate of any map on file in his office of any mine owned, leased or operated by the applicant.

(b) No copy of such map shall be made without the consent of the owner, lessee or operator, except that when the owner of any land adjacent to or near the land of the owner, lessee or operator files an affidavit with the chief showing ownership of the adjacent or nearby land, and alleging that he believes that the owner, lessee or operator is encroaching upon or mining on his land, the chief shall cause to be furnished to the affiant, at the expense of the affiant, a duplicate of the map filed by the owner, operator or lessee.

(c) When any coal mine is worked out or is about to be abandoned, or indefinitely closed, the operator of the mine shall make or cause to be made a final survey of the mine, to show the entire worked-out area at the time the mine was abandoned or closed. The result shall be extended on the map of the mine previously made, and a copy of the survey shall be filed with the chief.

(16) *Mine not to extend within twenty-five feet of property line; liability for damages.*

(a) No owner or tenant of any land containing coal shall engage in mining within twenty-five feet of the line dividing the land owned or held by him from that of another person, without the written consent of every person interested in or having title to the adjoining land in possession, reversion or remainder, or the guardians of such of those persons as are infants. The owner or tenant must also have the written approval of the chief of the department.

(b) Any person who violates subsection (a) shall be liable in the sum of five hundred dollars to the persons injured, and the persons injured may also pursue all other remedies provided by law for the recovery of damages for injury to their property.

(17) *Rights of adjoining owners.*

(a) Each owner, tenant or occupant of land on which a coal mine is opened and worked, or his superintendent, shall permit any person interested in or having title to any land adjoining the mined property to have ingress and egress with surveyors and assistants to explore and survey the mine at his own expense once a month for the purpose of ascertaining whether or not KRS 352.110 has been violated.

(b) Any owner, tenant, occupant or superintendent who refuses such permission shall be liable to the person so refused in the sum of twenty dollars for each refusal, to be recovered by action.

(c) If the right granted in subsection (a) is refused, complaint may be made before the county judge of the county in which the mine is located, and the judge shall issue a summons to the owner, tenant occupant or superintendent to answer the complaint. On the return of the summons executed, and proof that the complainant has right of entry and has been refused without sufficient cause, the judge shall designate an early and convenient time for the entry to be made, and issue an order commanding the sheriff of the county to attend and prevent obstructions and impediments to the entry, exploration and survey. The sheriff shall be allowed a fee of three dollars for attending the survey. The cost of summons and the fee of the sheriff shall be paid by the person whose refusal occasioned the complaint, unless the judge dismisses the complaint, in which case the party making the complaint shall pay the cost and sheriff's fee. Either party may appeal as in other actions.

(18) *Mining near oil or gas wells; hearing.*

(a) Before removing any coal or other material or driving any entry or passageway within five hundred feet of any natural gas or petroleum well, or before extending the workings in any coal mine beneath any tract of land on which such wells are also drilled, or within five hundred feet of any such well or under any tract of land in visible possession of a well operator, the coal operator shall forward simultaneously to the well operator and to the Department of Mines and Minerals, by registered mail, a copy of the maps and plans required by law to be filed and kept up to date, showing on the copy of the map or plan its mine

workings and projected mine workings beneath the tract of land and within five hundred feet of its outer boundaries. The coal operator may then proceed with his mining operations in the manner indicated on the copy of the map or plan, but if the conduct of his mining operations nearer than five hundred feet to any such well, whether completed or being drilled, or to any proposed well where a derrick is being constructed for drilling, or proposed well, will endanger the use or drilling of the well, the well owner or operator affected may within five days from the receipt of the copy of the map by him and the department, file specific objections in writing to the mining operations within less than five hundred feet of the well, and if the objection is so filed the department shall notify the coal operator of the character of the objections and fix a time and place for a hearing not more than ten days from the end of said five-day period. At the hearing the coal operator and the well operator, or such of them as are present or represented, shall proceed to consider the objections and agree upon the character and extent of operations to be conducted within less than five hundred feet of the well so as to satisfy the objections raised and meet the approval of the department and, if no agreement can be reached, the department, after a full hearing shall make a decision defining what coal, if any, is necessary to be left for the safe protection of the use and operation of the well. The decision shall be subject to appeal by either party as provided in KRS 351.040. The department shall keep a complete record of all such hearings.

(b) The coal operator shall, at least every six months, bring up to date the maps and plans required by this section or file new maps and plans complete to date.

(19) *Mine scales.*

(a) The operator or superintendent of each coal mine shall provide at the tipple or dumping point of the mine suitable and accurate scales for the weighing of coal for which the miners are to be paid, and when differences arise between the operator or superintendent of the mine and the miners as to the accuracy or capacity of the scales and such differences cannot be adjusted locally, the question shall be referred to the Department of Mines and Minerals. The department shall inspect and test the

scales as early as practicable after receiving notification. If the inspecting officer of the department finds the scales inaccurate or defective beyond the limit permitted by the department, he shall notify the operator or superintendent of the mine, and the scales shall immediately be repaired and made accurate or accurate scales substituted therefor. If the inspecting officer finds the scales to be weighing within the limits prescribed by the department, he shall so advise the operator, the superintendent and representative of the miners in a manner prescribed by the chief of the department.

(b) Where coal is loaded by mechanical means by the day or by the car, subsection (a) does not apply.

(c) No person shall tamper with any mine scale except to adjust the tare weights for the different types of mine cars and balance the scales.

(20) *Checkweighman.*

(a) When a majority of the miners in any mine request the operator of the mine to allow the miners to employ at their own expense a checkweighman to inspect the weights at the mine, and see that all coal mined is properly weighed and accounted for, and perform only such duties as will insure that the coal is properly weighed and correctly accounted for, the operator shall permit a checkweighman to be employed by the miners making the request, provided the person so employed has the reputation of being an honest, trustworthy, discreet, sober and upright man. The checkweighman shall be an employee of the mine, unless no employee is a suitable person, in which case the miners may, by agreement with the operator, elect some other person who is suitable. No checkweighman shall hold any other office or have any other duties than as checkweighman. The checkweighman shall be elected by a majority of the employees engaged in mining and loading coal and the election shall be properly conducted by secret ballot at the principal entrance to the mine. The election of each checkweighman shall be approved by the county judge of the county, on presentation of an affidavit stating that the checkweighman has been duly and properly elected in accordance with the provisions of this section.

(b) The checkweighman shall have free access to the mine scales while the mine is in operation or the scales are being tested. No agent or employee of the operator shall hinder or prevent the checkweighman in the performance of his duties in a proper manner, and no checkweighman shall prevent the weighman or other employee of the operator from performing his duties in a proper manner.

(c) The operator or the superintendent shall see that cars are tared, in their usual running condition, at reasonable intervals.

(21) *Payments of miners.*

Any operator of a commercial mine shall, on or before the fifteenth and thirtieth days of each month pay to each employee, within fifteen days of the aforesaid fifteenth or thirtieth day, respectively, in lawful money of the United States, the full amount of wages due him, unless prevented by an unavoidable casualty. If, at any time of payment, the employee is absent from his place of labor he shall be entitled to such payment at any time thereafter on demand.

(22) *Coercion of trade of miners prohibited.*

(a) No person operating a commercial mine shall require any employee to deal with or purchase merchandise of any kind from any person or at any place.

(b) No such employer shall exclude from work, punish or blacklist any employee for failure to deal with or purchase merchandise of any kind from any person or at any place.

Section 33. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 352.120, and to read as follows:

Penalties.

(1) Any wilful neglect, refusal, or failure to do the things required to be done in chapters 351 and 352 of this act on the part of person or persons herein required to do them, or any violation of the provisions or requirements thereof, or any attempt to obstruct or interfere with any person in the discharge of the

duties herein imposed upon him, or any refusal to comply with the provisions in chapters 351 and 352 of this act shall be punished by a fine of not less than twenty-five ($25.00) dollars and not to exceed two hundred ($200.00) dollars or by imprisonment in the county jail for a period not exceeding three (3) months, or both, at the discretion of the court.

(2) Any person who violates any of the provisions of KRS 352.110 Subsection 18 fixing the distances from wells within which mining operations may be conducted without the approval of the department, and any person who violates any of the terms of an order of the department allowing mining operations within a lesser distance of any well than that prescribed by law, shall be fined not more than two hundred ($200.00) dollars or imprisoned for not more than twelve (12) months, or both.

Section 34. A new section of the Kentucky Revised Statutes is created, to be numbered KRS 352.130 and to read as follows:

The revised and current coal mining laws of the State of Kentucky shall be published by the department and made available without cost to all miners and operators in the State within six months of the date of passage of this act.

Section 35. In the event that any section of this act, any part or any paragraph of this act, any sentence of this act, any phrase of this act, or any word of this act is held invalid, all other parts of this act in toto shall be held valid and in full force and effect from and after its effective date.

Section 36. All acts and parts of acts in conflict herewith are hereby repealed.

By Mr. Hammons.

H. Res. No. 35. A JOINT RESOLUTION authorizing Walter Payne of Knox County to sue the Department of Welfare and the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Walter Payne of Knox County is authorized to sue the Department of Welfare and the Commonwealth of Kentucky, or either, in the Knox Circuit Court, for damages resulting from mental pain and anguish and from expenses incurred caused by alleged negligence on the part of employes of the Department of Welfare and the Commonwealth of Kentucky while said employes were acting in the line of duty as such employes, the alleged negligence growing out of and connected with the death of the daughter of Walter Payne.

Said suit shall be for a sum not in excess of four thousand dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky. No plea of limitations shall be interposed.

No statement in this Resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bills and resolution be printed and referred.

Mr. Searcy moved that the House do now adjourn.

With objection, said motion was withdrawn.

REPORT OF COMMITTEES

The Committees to which the same had previously been referred reported bills of the following titles, viz:

By Mr. Henry of the Committee on State Fair.

H. B. No. 62. AN ACT relating to the Kentucky State Fair, amending Section 247.130 of the Kentucky Revised Statutes.

By Mr. Barnum of the Committee on Cities of the First Class.

H. B. No. 186. AN ACT providing for the repeal and reenactment of KRS 96.250, providing for the election and salaries of officers and appointment and salaries of employees of waterworks in cities of the first class.

By Mr. Mackey of the Committee on Cities of the Fifth Class.

H. B. No. 203. AN ACT changing the classification of the City of Walton, in Boone County, and declaring an emergency.

By Mr. Tinsley of the Committee on Cities of the Sixth Class.

H. B. No. 91. AN ACT relating to city marshals and deputy marshals in cities of the sixth class; amending Section 95.800 of the Kentucky Revised Statutes.

By Mr. Harris of the Committee on Library and Historical Records.

H. B. No. 201. AN ACT to constitute depository libraries and to provide that said libraries shall be supplied with copies of all reports, publications, and other public books and documents reproduced and distributed at public expense by the department, boards, commissions, officers or other agencies of the Commonwealth.

By Mr. Morgan of the Committee on Alcoholic Control No. 1.

H. B. No. 7. AN ACT relating to loitering or remaining of minors in premises where alcoholic beverages are sold; prohibiting certain actions and conduct by licensees, parents and guardians, and imposing penalties.

With Committee amendments thereto.

Said Committee amendments to said bill are as follows, viz:

Amendment No. 1. Amend printed copy of House Bill No. 7 on Page 1, by adding the following as Section 4:

"Section 4. Hotels, private clubs, restaurants, trains and picnic grounds shall be exempt from the provisions of this act."

Amendment No. 2. Amend printed copy of House Bill No. 7 on Page 1, Section 1, Line 2, after the word "beverages" add the following:

"in counties containing cities of the first class."

Amendment No. 3. Amend printed copy of House Bill No. 7, on Page 1, preceding Section 1 by inserting the following words:

"The term 'restaurant' as used herein shall mean any licensee for the sale of alcoholic beverages whose gross receipts from the sale of food are greater in volume than its gross receipts from the sale of alcoholic beverages. In any court proceeding the burden of proof shall be upon the licensee to prove its receipts as herein set out in order to establish a defense on these grounds."

By Mr. Spaulding of the Committee on Cities of the Second Class.

H. B. No. 86. AN ACT relating to publication of newly adopted or revised ordinances, and to the adoption and publication of certain government codes, in cities of the second class under the city manager form of government, amending Section 89.545 of the Kentucky Revised Statutes.

By Mr. Morgan of the Committee on Alcoholic Control No. 1.

H. B. No. 108. AN ACT relating to alcoholic beverage licenses; amending subsection (1) of Section 243.230 of the Kentucky Revised Statutes.

By Mr. Runyan of the Committee on Education No. 1.

H. B. No. 8. AN ACT relating to the teaching of first aid in high schools and junior high schools of the public school system.

By Mr. Runyan of the Committee on Education No. 1.

H. B. No. 60. AN ACT relating to the Teachers' retirement system; providing for membership and eligibility to membership in the retirement system of certain noninstructional, etc.

With Committee amendment thereto by way of substitute therefor, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, "noninstructional employes" means full time employes serving in the capacity of business manager, bookkeeper, stenographer, clerk, building engineer, janitor, fireman, cleaner, carpenter or other maintenance man, bus driver, mechanic, or lunchroom or school cafeteria worker.

Sec. 2. Noninstructional employes of public educational governmental units participating in and covered by the Teachers' Retirement Act in employment on the effective date of this Act shall be eligible to membership in the teachers' retirement system of Kentucky with the following options as to said membership:

(1) Any such employe may individually decline membership and waive all obligations and rights under KRS 161.220 to 161.710, by acknowledgement on a proper form provided by the board of trustees of the system.

(2) Any such employe may come into membership with the same status as a teacher entering service on July 1, 1950.

(3) Any such employe may make the retirement contribution provided by law for any year or years subsequent to July 1, 1940, served in the school system in which he is employed on the effective date of this Act, and in addition thereto an actuarial adjustment of three percent compound interest, and receive service credit as if payment had been made currently during such years of service. Employes taking this option shall be entitled to prior service credit as defined in KRS 161.220 (7). A true record of all such service shall be filed in the office of the board of trustees of the retirement system.

Sec. 3. The options provided for in Section 2 of this Act must be exercised in writing prior to September 1, 1950. If no option is exercised on the part of any such employe, his status shall be that of option (2).

Sec. 4. All noninstructional employes employed after the effective date of this Act and all present noninstructional employes, except those who have declined membership as provided in option (1), shall be members of the retirement system.

Sec. 5. The sum of $300,000 per year for each of the fiscal years of 1950-1951 and 1951-1952 is appropriated to the teachers' retirement fund for the purpose of carrying out the provisions of this Act, this appropriation is to be in addition to any other appropriation for said fiscal years, and is to be appropriated out of the General Expenditure Fund of the State Treasury.

With the expression of opinion that same should pass.

Whereupon, said bills were each and severally read at length the first time and

Ordered placed in the Calendar.

By Mr. Bronston of the Committee on Motor Transportation No. 1.

H. B. No. 74. AN ACT imposing license taxes upon certain business operations involving the use of motor vehicles in this state by nonresidents, and appropriating the revenue therefrom; setting forth certain restrictions upon the registration and licensing of motor vehicles by nonresidents, to enable enforcement of the Act; and providing for penalties.

With the expression of opinion that same should not pass.

By Mr. Runyan of the Committee on Education No. 1.

H. B. No. 64. AN ACT relating to teachers' retirement, amending Section 161.600 of the Kentucky Revised Statutes.

With the expression of opinion that same should not pass.

By Mr. Runyan of the Committee on Education No. 1.

H. B. No. 66. AN ACT relating to teachers' retirement and tenure.

With the expression of opinion that same should not pass.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. B. No. 237. AN ACT relating to medical examination or furnishing of records as a condition of employment.

H. B. No. 253. AN ACT changing the classification of the City of Hazard, in Perry County.

H. B. No. 115. AN ACT relating to animals running at large.

H. B. No. 162. AN ACT relating to agricultural seed; making provisions for the introduction, supplying, furnishing and distribution of seed stocks or foundation seeds, and including provisions for appropriation of funds therefor.

H. B. No. 129. AN ACT imposing a penalty for removing or altering serial numbers on farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

H. B. No. 213. AN ACT to protect the blind and incapacitated pedestrians on public streets and highways; requiring vehicles to come to a full stop in certain cases; restricting the use of certain colored canes by other pedestrions; and imposing penalties.

H. B. No. 172. AN ACT changing the classification of the City of Owingsville, in Bath County.

H. B. No. 183. AN ACT changing the classification of the City of Martin, in Floyd County, and declaring an emergency.

S. B. No. 72. AN ACT changing the classification of the City of Cumberland in Harlan County.

H. B. No. 81. AN ACT relating to stenographers or clerks for county attorneys in certain counties; amending Section 69.340 for the Kentucky Revised Statutes.

H. Res. No. 16. A JOINT RESOLUTION authorizing Buford Keeton of Lookout, Pike County, Kentucky, by his guardian or next friend to sue the Commonwealth of Kentucky.

H. Res. No. 15. A JOINT RESOLUTION authorizing Annie Blackwell of Lookout, Pike County, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 13. A JOINT RESOLUTION authorizing Marlene Bartley of Lookout, Pike County, Kentucky, by her guardian or next friend to sue the Commonwealth of Kentucky.

H. Res. No. 14. A JOINT RESOLUTION authorizing Richard Blackwell of Lookout, Pike County, Kentucky, by his guardian or next friend to sue the Commonwealth of Kentucky.

H. B. No. 184. AN ACT relating to elections for members of school boards, amending Sections 160.180, 160.260 and subsection (1) of Section 160.210 of the Kentucky Revised Statutes.

H. B. No. 221. AN ACT regulating the lights on vehicles; and defining words and phrases as used in Chapter 189 of the Kentucky Revised Statutes.

H. B. No. 222. AN ACT relating to proceedings if an arrest be made without a warrant.

H. B. No. 220. AN ACT regulating the distance between motor trucks and semi-trailer trucks when operating upon a highway.

H. B. No. 202. AN ACT relating to the duties and functions of the deputy commission of welfare.

S. B. No. 1. AN ACT relating to fireworks.

H. B. No. 245. AN ACT relating to rates for composition for public printing.

H. B. No. 217. AN ACT extending the jurisdiction of the Board of Claims and amending KRS 176.290, 176.310, 176.320, 176.330, 176.340, and 176.380.

H. B. No. 242. AN ACT relating to the assistant attorney-general assigned to the Department of Finance.

H. B. No. 243. AN ACT relating to the manner of letting contracts for materials, supplies and equipment; advertisement.

H. B. No. 244. AN ACT relating to the number of copies of journals and acts to be printed.

H. B. No. 211. AN ACT relating to the preparation and dissemination of information concerning roads and highways in the Commonwealth.

H. B. No. 149. AN ACT providing for the construction and operation of turnpikes to facilitate vehicular traffic in and through Kentucky; vesting certain powers and duties in the Department of Highways and the Commissioner of Highways in respect thereto, etc.

H. B. No. 200. AN ACT relating to payment of expense allowance to the members of the General Assembly and the Lieutenant-Governor of the Commonwealth of Kentucky, and declaring an emergency to exist.

Ordered that said bills and resolutions be read at length the second time.

Mr. Durham Howard moved that the Constitutional provision as to the second reading at length of said bills and resolutions be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and resolutions having been dispensed with, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

Mr. Hammons moved that the rules be suspended for the purpose of introducing bills.

Said motion was agreed to by a majority of the members elected.

Thereupon, bills of the following titles were introduced:

By Mr. Hammons.

H. B. No. 306. AN ACT relating to Revenue and Taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 132.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every person having, on July 1 of any year, a deposit in any bank, trust company or combined bank and trust company organized under the laws of this state, or in any national bank of this state, shall pay a tax to the state at the rate of one-tenth of one percent annually upon the amount of the deposit, and no deduction therefrom shall be made for any indebtedness. The tax shall be paid to the Department of Revenue by the company with which the deposit is made, as the agent of the depositor, on or before September 1 next following the date of the report provided for in KRS 132.040.

(2) No other tax shall be assessed by the state or any county, city or other taxing district on such deposits or against the depositor on account of such deposits.

Sec. 2. Section 132.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each bank, trust company, combined bank and trust company and national bank doing business in this state shall file with the Department of Revenue, on or before July 21 of each year, a report setting forth the total amount of its deposits as of July 1 of that year that would be taxable in the name of depositor under the laws of this state, and shall, on or before September 1 of each year, pay to the department one-tenth of one percent of the amount of such deposits, and may charge to and deduct from the deposit of each depositor the amount of the tax so paid on his behalf. A lien is hereby given to the banks and trust companies on the funds belonging to the respective depositors on July 1 of each year on which the tax has been so paid. Any claim for taxes against the depositor by the bank or trust company paying the taxes shall be asserted within six months after the payment of the taxes to the department, and all claims or liens therefor shall be thereafter barred.

(2) Each bank or trust company that willfully fails to make the returns or to pay the taxes on behalf of its depositors shall forfeit to the state an amount equal to one-tenth of one percent of such deposits for each month's delay in filing the return or in paying the tax. The tax and forfeitures may be recovered in an action commenced by the county attorney in the county court of the county in which the bank or trust company is located, but if the department or the court in which the action is heard becomes satisfied that the failure was not willful, the department or the court may waive any part or all of the penalty.

Sec. 3. Section 132.050 of the Kentucky Revised Statutes is amended to read as follows:

An annual tax at the rate of ten cents on each one hundred dollars of the fair cash value, based upon the assessed value as of January 1, 1949, January 1, 1950 and January 1 of each year thereafter, of all items of direct or contingent indebtedness of customers to brokers making purchases or sales of securities for them in margin transactions shall be paid by such brokers. This tax shall be for state purposes only, and in lieu of all other ad

valorem taxes by the state or by any county, city or other taxing district on such indebtedness to brokers. The assessment, the date thereof, and the equalization and collection of the tax shall be governed by the general laws applicable to intangible personal property other than that referred to in KRS 132.060.

Sec. 4. Section 132.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every broker maintaining an office or place of business in this state for the conduct of the business of buying or selling stocks, bonds or other securities for customers in margin transactions shall report to the Department of Revenue as of July 1 of each year the aggregate amount, with an accurate description and the market value, of all such securities then held or carried by such broker for each office or place of business in the state for resident customers, which report shall be filed with the department on or before October 1 of that year.

(2) If the broker has doubt as to whether or not a customer is a resident of this state, he may, on or before making the required report, call upon the customer to submit an affidavit upon a form to be prescribed by the department, stating the facts relied upon to establish his nonresidence. The broker may then report to the department the name and post office address of such customer and the information as to securities held or carried for him, and file therewith the customer's affidavit. The broker shall then be relieved from making any further report and from collecting or paying any taxes for the customer.

(3) If the customer fails or refuses to furnish the affidavit required by the broker, the broker shall report and pay the tax for the customer, who shall then have no claim against the broker because of the payment of the tax charged to the customer's account.

Sec. 5. Section 132.130 of the Kentucky Revised Statutes is amended to read as follows:

Every owner or proprietor of a distillery bonded warehouse in which distilled spirits are stored shall, between September 1 and October 1 of each year, file with the Department of Revenue

a written report, sworn to by the person making it. If the owner or proprietor of the warehouse is a corporation, the report shall be made and sworn to by its principal officer or manager in charge. The report shall show the quantity and kind of spirits in the warehouse on September 1 of that year; the dates when made; the county, city or taxing district in which the warehouse is situated; whether or not the Federal tax has been paid thereon, and if not, the date of expiration of the bonded period; the fair cash value of the spirits estimated at the price it would bring at a fair voluntary sale; and such other facts pertaining to the spirits as the department may require.

Sec. 6. Section 132.150 of the Kentucky Revised Statutes is amended to read as follows:

Immediately after the valuation of the distilled spirits has been finally fixed, the department shall certify to the county tax commissioners of the respective counties the amount liable for county, city or district taxation, and the date when the bonded period will expire on the spirits. The report shall be filed by the county tax commissioner in his office, and certified by him to the proper collecting officer of the county, city or taxing district for collection. The spirits, in addition to the tax for state purposes, shall be taxed for county, school and city purposes at the prevailing rates of taxation on tangible personal property in the respective counties, school districts and cities in which the spirits are stored, but the combined rate of taxation for city and school purposes in cities of the first class shall not exceed one dollar and twenty-five cents on each one hundred dollars of assessed value of the spirits.

Sec. 7. Section 132.160 of the Kentucky Revised Statutes is amended to read as follows:

(1) Taxes on distilled spirits that may be assessed while in a bonded warehouse as of September 1, 1948, September 1, 1949, and September 1 of each year thereafter, and on which the Federal tax has not been paid, or will not become due before the second succeeding September 15 after the assessmnt, shall be due on the second day of January, May and September next after the

Federal tax becomes due or is paid, or when the spirits are removed from the warehouse for transfer in bond out of this state.

(2) The taxes shall not become due by reason of a mere removal of the spirits from one bonded warehouse to another bonded warehouse within this state, but in that event the owner or proprietor from whose warehouse the spirits are moved shall execute a bond, with good and sufficient surety, conditioned upon the payment of all taxes that have accrued upon the spirits, prior to removal, to the county, city or taxing district from which the spirits are moved. The bond shall be in an amount sufficient to protect the county, city or taxing district and shall be approved by the county judge for the county, the mayor for the city, the superintendent of any school district involved, and by the person whose duty it is to collect taxes for any other taxing district. Prior to the removal of any spirits the owner or proprietor from whose warehouse they are to be removed shall give written notice of such intention to the county, city or taxing district, addressed to the officer thereof above mentioned, and stating the quantity of spirits to be moved and the name and address of the warehouse to which they are to be taken. After the spirits are moved, the owner or proprietor shall notify the same officers of the county, city or taxing district of the amount of accrued taxes on the spirits together with interest on the taxes. After any spirits have once been moved as provided in this section and are moved again, all taxes that have accrued thereon up to the time of the second removal shall immediately become due and payable to any county, city or taxing district to which any taxes have accrued.

(3) The taxes on each year's assessment shall bear legal interest until paid.

Sec. 8. Section 132.170 of the Kentucky Revised Statutes is amended to read as follows:

On the first day of January, May and September next after the Federal tax has been paid or become due, or after any of the spirits are removed from the warehouse for transfer in bond out of this state, every owner or proprietor of a bonded warehouse in which distilled spirits are stored shall file with the Department

of Revenue and the county tax commissioner of the county in which the spirits were at the time of the assessment, a statement, sworn to by him, showing the quantity of spirits on which the Federal tax has been paid or is due, what spirits have been removed from the warehouse for transfer in bond out of this state during the preceding four months, the years in which such spirits were assessed for taxation, and the county, city or taxing district in which the spirits were stored at the time of the assessment. At the same time all taxes and interest on such spirits due the state, county, city or other taxing district shall be paid to the officers entitled to receive them. The report required by this section shall be made whether any spirits are stored in the warehouse or not at the time the report is due.

Sec. 9. Subsection (2) of Section 132.215 of the Kentucky Revised Statutes is amended to read as follows:

(2) To the extent that a present right to receive income from any source for a life or lives or other indeterminate period, including the right to receive installment payments, even though for a determinate period, under the terms of a life insurance policy, payable by reason of the death of the insured, may be held to be subject to assessment for ad valorem taxes, the owner or person enjoying such right on July 1 of each year shall pay a tax to the state of five cents upon each one hundred dollars of the fair cash value of his right on the assessment date, estimated at the price such right would bring at a fair voluntary sale. No other tax shall be assessed by the state or by any county, city, school district, or other taxing district on any such right, or against the holder of any such right on account thereof.

Sec. 10. Section 132.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) Money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and all interest in such property, unless otherwise provided by law shall be listed, assessed and valued as of the beginning of business on January 1, 1949, January 1, 1950 and January 1 of each year thereafter. All other taxable property and

all interest in other taxable property shall be listed, assessed and valued as of July 1 of each year unless otherwise provided by law. It shall be the duty of all persons owning or having any interest in any real estate situated in this state or owning or having any interest in any personal property having a taxable situs in this state to list or have listed between July 1 and September 1 of each year such property with the county tax commissioner of the county where it is located, except as otherwise provided by law. All persons in whose name property is properly assessed shall remain bound for the tax, notwithstanding they may have sold or parted with it.

(2) Real property or any interest therein shall be listed in the county or district where it is located, by the owner of the first freehold estate therein, and it shall be assessed without reference to conflicting title. If the owner fails to list the property, the county tax commissioner shall list it. The county tax commissioner may swear witness in order to ascertain the person in whose name to make the list.

(3) Real property shall be assessed in the name of the owner, if ascertainable by the tax commissioner, otherwise in the name of the occupant, if ascertainable, and otherwise to "Unknown owner." The undivided real estate of any deceased person may be assessed to the heirs of such person without designating them by name.

Sec. 11. Section 132.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every warehouse company and every person furnishing storage for personal property shall, by August 1 of each year, make a report to the county tax commissioner, giving, as far as possible, accurate and complete information as to all property held by them on July 1 of that year, and the names and residences of the owners of all property so held on that date. The report shall contain such other information as may be required by the Department of Revenue.

(2) The Department of Revenue shall prepare the necessary blanks for the reports, and the form shall be such as to elicit accurate and complete information. The blank forms shall

be delivered to the county tax commissioner by June 1, 1950 and by June 1 of each year thereafter, and he shall place a blank form in the hands of every such warehouse company and person by July 1 of that year.

(3) The report shall be made in accordance with the form prescribed and shall be signed and verified by the chief officer or person in charge of the business.

(4) The county tax commissioner or a representative of the Department of Revenue may make a personal inspection and investigation of the property held in storage. No person in charge of such business shall refuse to permit the inspection and investigation.

Sec. 12. Section 132.270 of the Kentucky Revised Statutes is amended to read as follows:

Every person engaged in the business of receiving property in pledge or as security for money or other things advanced to pawners or pledgers shall return, under oath, the fair cash value of all property so pledged and held on July 1 of each year; except that all intangible personal property referred to in KRS 132.220 so pledged and held shall be reported and valued as of January 1, 1949, January 1, 1950 and January 1 of each year thereafter. Taxes shall be assessed on the value of such property to the person holding it as on other property owned by him and he shall have a lien on the property to secure the amount of tax paid.

Sec. 13. Section 133.045 of the Kentucky Revised Statutes is amended to read as follows:

The tax roll shall be open for inspection in the county tax commissioner's office from January 15 to February 1 of each year. In case of necessity the Department of Revenue may order a reasonable extension of time for the inspection period of the tax roll or it may order that the inspection period be at a different time than that provided herein. It shall be the duty of the tax commissioner to publish a notice as to the time of the inspection period in the newspaper having the largest bona fide circulation in the county at least three days before the beginning of such

period. The cost of such notice shall be paid by the fiscal court of the county. Such notice shall also be posted at the courthouse door. Failure to publish or post notices when the inspection period is at the regular time as provided in this section shall not invalidate assessments made by the county tax commissioner and recorded on the tax roll prior to the inspection period.

Sec. 14. Section 133.180 of the Kentucky Revised Statutes is amended to read as follows:

When the Kentucky Tax Commission has completed its action on the assessment of the property in any county, the Department of Revenue shall, not later than June 1, charge the amount of taxes due from the county to the sheriff of the county, and certify to the county tax commissioner the assessment as it is approved by the Kentucky Tax Commission and the amount of taxes due. When any item of property is in process of appeal as provided in KRS 133.120, and the valuation has not been finally determined, the certification of such property shall be based on the valuation claimed by the taxpayer as the true value. The county tax commissioner shall affix the certification to the tax books and have it entered of record in the order book, and it shall be the sheriff's or collector's warrant for the collection of taxes.

Sec. 15. Section 134.020 of the Kentucky Revised Statutes is amended to read as follows:

All state, county, and district taxes, except as otherwise specifically provided, shall be due and payable on the second succeeding September 15 following the assessment. Any taxpayer who pays his state, county, or district taxes by November 1 after they become due in any year shall be entitled to two percent discount thereon, and the sheriff shall allow the discount and give a receipt in full to the taxpayer. The sheriff may, at any time after the taxes mentioned in this section become due, receive less than the face amount of the tax bill as a credit on the amount due, including the amount of any penalties then due, and every such payment shall be credited upon the tax bill or upon sheets annexed thereto for that purpose, and acknowledged in

writing or by a rubber stamp, indicating the amount so paid to the sheriff. All taxpayers whose taxes are not paid by the last day of February after they become due shall be deemed delinquent, and shall pay a penalty of six percent on the taxes due and unpaid. The sheriff shall collect the penalty and account for it as he is required to collect and account for the taxes.

Sec. 16. Section 136.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every bank and trust company incorporated under the laws of this state, and every national bank doing business in this state, shall, by August 1 of each year, make a report to the Department of Revenue and to the assessing officer of the county, city or taxing district in which it is located. The report shall show the name and post office address of the bank or trust company; the names of the president, cashier and board of directors; the number of shares of stock and the par and market value of each share; the amount of capital stock paid in; the amount of surplus funds and undivided profits; the amount of real property charged off that has not been actually sold and transferred; the amount of its deposits; the amount of cash on hand; the amount of securities held by it; the amount loaned on mortgages; the amount of its loans and discount; the value of all real property situated in this state that is held and owned by the bank or trust company on July 1 of each year; and such other information as may be required.

(2) The assessing officer of the county, city or taxing district in which any trust company or state or national bank is situated shall assess its shares for taxation for state, county, city and taxing district purposes. Each bank and each trust company may have deducted from the total valuation placed on its shares the assessed value of its real property in this state.

(3) Each bank and each trust company shall list its real property with the county tax commissioner of each county, and with the assessing officer of each city and taxing district, in which its real property is located, and pay taxes thereon to the sheriff and to the collecting officer of such city and taxing district, and that officer shall make out and return the assessment to the proper

authorities of the county, city or taxing district, at the same time and in the same manner as prescribed by law for the return of the assessment of personal property therein.

(4) The equalization, collection, penalties and laws relating thereto provided for other personal property in the county, city or taxing district shall apply to the collection of the taxes provided for in this section. Any county, city or taxing district may collect such taxes by suit.

(5) The provisions of this section do not apply to cities of the first class to the extent that such provisions are in conflict with the provisions of KRS 91.620 to 91.680.

Sec. 17. Section 136.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every domestic building and loan association making loans to members only shall, during September of each year, file with the Department of Revenue a report showing, as of September 1:

(a) The amount of its surplus and undivided profits.

(b) The number of shares outstanding and the total amount paid in on its shares.

(c) The total amount paid in on the shares of borrowing members where the amounts borrowed equal or exceed the amounts paid in by those members.

(2) The department shall fix the total value of the capital stock composed of shares of each building and loan association, excepting the shares of borrowing members where the amount borrowed equals or exceeds the amount paid in by those members. The department shall immediately notify each association of the value so fixed.

H. B. No. 307. AN ACT relating to Revenue and Taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 132.310 of the Kentucky Revised Statutes is amended to read as follows:

Any person who has failed to list for taxation any omitted property consisting of real property or tangible personal property, except such as is subject to assessment by the Kentucky Tax Commission, may at any time list such omitted property with the county tax commissioner. The tax commissioner shall proceed to assess the property and shall within ten days from the date the property was listed notify the taxpayer of the amount of the assessment. The notice shall be given as provided in KRS 132.450 (2) The taxpayer may appeal the assessment to the Kentucky Tax Commission within fifteen days from the date of notice, in the same manner as an appeal from the final action of the county board of supervisors and may appeal from the action of the Kentucky Tax Commission as provided in KRS 133.120. If no appeal is taken within fifteen days from the date of notice, the assessment as made by the county tax commissioner shall become final. Omitted property listed for taxation under this section shall be subject to the penalties provided in KRS 132.290 (3).

Sec. 2. Subsection (1) of Section 132.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who has failed to list for taxation his intangible personal property, in whole or in part, because he was not called upon by the county tax commissioner or for any other reason, may at any time, and shall after the county tax commissioner has returned his books, list the property with the Department of Revenue by reporting to the department the full details and a correct description of the omitted property and its value. The department shall certify to the county tax commissioners, sheriffs and tax collectors of the local taxing districts the description and value of the property situated within their respective districts that is so reported and assessed by the department and that is liable for the payment of taxes to such districts. The department may determine and fix the fair cash value, estimated at the price it would bring at a fair voluntary sale, of the property so reported and listed for taxation.

Sec. 3. Section 132.340 of the Kentucky Revised Statutes is amended to read as follows:

(1) At the next regular term of the county court after the summons has been served for five days, or the warning order against the defendant whose name and place of residence are unknown has been made for thirty days, if it appears to the court that the property is liable for taxation and has not been assessed, the court shall enter an order fixing the value at the fair cash value estimated as required by law. The court shall certify the assessment of the property and its value, together with such other facts as may be required by law or directed by the court to appear in the judgment, to the Department of Revenue and to the sheriff of the county, together with the amount of penalty and cost of assessment, in order that the taxes due the state, county, school or any other taxing district may be collected, with the penalty and costs. If the property is not liable for taxes, the court shall make an order to that effect. The judgment of the court shall have the same force and effect as the judgment of the court in civil cases. Either party may appeal from the decision of the county court to the circuit court, and then to the Court of Appeals as in other civil cases, except that no appeal bond shall be required where the appeal is by the Commissioner of Revenue acting as the relator.

(2) If the owner of the property fails to pay the tax assessed, interest, penalties and costs, the lien under the attachment may be enforced and a sufficiency of the property sold to pay the obligation to the state, county, school or other taxing district. All persons owning property that is assessed as herein provided shall, in addition to the taxes and interest from the time the taxes should have been paid, pay the costs of the proceedings and a penalty of twenty percent on the amount of the taxes due, except where the property was duly listed and the taxes paid thereon within the time prescribed by law, and except where some different penalty is expressly provided by law.

(3) The taxes, costs and penalties shall be collected and accounted for as other taxes and penalties are required to be collected, and by the same officers. The county clerk shall notify the tax commissioner who shall enter all such assessments in a book to be kept for that purpose, showing the date of the assessment, the name of the person against whom the assessment is made, the location and description of the property assessed, and

the value thereof. The officer collecting the taxes shall, when they are paid, notify the tax commissioner of the payment, and the payment shall be noted by the tax commissioner opposite the entry of the assessment.

Sec. 4. Subsection (2) of Section 132.360 of the Kentucky Revised Statutes is amended to read as follows:

(2) Upon such assessment becoming final the department shall certify the amount of increase in the assessment to the county tax commissioner for the preparation of a tax bill therefor, which shall be prepared in the same manner and subject to the same conditions as in the case of omitted tax bills. The tax bill shall be handled and collected as an omitted tax bill, and the additional tax shall be subject to the same penalties as the tax on omitted property.

Sec. 5. Section 132.390 of the Kentucky Revised Statutes is hereby repealed.

Sec. 6. Section 132.460 of the Kentucky Revised Statutes is amended to read as follows:

The county tax commissioner shall attend all hearings before the county board of supervisors and before the Kentucky Tax Commission and submit to examination and fully disclose to the board of supervisors such information as he may have relative to his assessment and any other matters pertinent to the inquiry being made. He shall receive three dollars per diem for these additional duties, which compensation shall be paid in the same manner that members of the board of supervisors are paid. He shall also be entitled to reimbursement from the county for expenses incurred in official business outside of his county. If the Kentucky Tax Commission directs him to perform official duties outside of his county, the expenses shall be paid by the Department of Revenue from the appropriation for the payment of the salaries of the county tax commissioners. Such reimbursement shall be paid on the same basis as employes of the Commonwealth are paid for travel expenses. In any year during which the term of the county tax commissioner expires, it shall be his duty to attend the hearings of the board of supervisors and of

the Kentucky Tax Commission concerning any assessment made by him and furnish them the information above required.

Sec. 7. Section 132.480 of the Kentucky Revised Statutes is amended to read as follows:

Each county tax commissioner shall, on or before the fifteenth day of each month, make a complete list of all conveyances of real property made during the preceding month, showing the names of the parties, description and location of the property, the date of conveyances and the consideration. For this service the tax commissioner shall be allowed reasonable compensation by the fiscal court.

Sec. 8. Section 132.490 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each county tax commissioner shall, by August 1 of each year, unless the time is extended by the Department of Revenue, make complete lists of all purchase money notes, mortgage notes and other obligations for money due, except those owned by banks, trust companies or real estate title insurance companies, as shown by the conveyances, mortgages and liens in his office. The lists shall distinctly show the dates of execution and maturity of the notes or other evidences of indebtedness, the consideration, the date of filing or recording, the amount, and the county of the residence of the owner, payee, beneficial holder thereof or other person liable for taxes thereon.

(2) The lists shall be made to each county tax commissioner of the state as to the notes or other evidences of indebtedness owned or held by persons residing or having their principal place of business in the county of that tax commissioner. Each list shall cover a period of one year next prior to January 1 of each year.

(3) For his services in making these lists, the tax commissioner shall be paid a reasonable compensation by the fiscal court of his county.

Sec. 9. Section 132.500 of the Kentucky Revised Statutes is amended to read as follows:

Each county tax commissioner, after making the lists of purchase money notes, mortgage notes and other obligations, shall fix the value upon each, estimated at the price it would bring at a fair voluntary sale, and enter the same in his tax book against the owner or beneficial holder thereof in the same manner as other property is entered. The lists shall be kept on file by the tax commissioner for the use of the board of supervisors.

Sec. 10 Section 132.520 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every bank, trust company, combined bank and trust company, and real estate title insurance company doing business in this state shall, by August 1 of each year, unless the time is extended by the Department of Revenue, file with the department a report sworn to by its president, vice president, treasurer or cashier, showing as of January 1 of each year beginnig January 1, 1950.

(a) A list of the notes, bonds or other evidences of indebtedness secured by mortgage or other recorded instrument standing in its name of record that it has assigned or transformed during the preceding year without making a transfer of record, the amount of each, and the name and address of the person to whom each was assigned. Where the name and address of the transferee holding the securities on January 1 of any year is given, any previous transfers of the securities during that year need not be furnished.

(b) A list of the mortgages standing in its name of January 1 that were assigned of record to it during the preceding year with its knowledge and consent, where it has not become the absolute owner of the debt secured thereby, showing the amount of each such mortgage and the name and address of each assignor. Any mortgage assigned to it during any year and paid and released of record prior to January 1 need not be included in the report.

(c) A list of all debenture bonds, collateral trust bonds, notes, certificates and other evidences of indebtedness issued, assigned or transferred by it during the preceding year that are secured by and represent the beneficial interest in stocks, lien

notes, bonds or mortgages standing in its name of record, the amount of each such evidence of indebtedness, and the name and address of the person to whom each was assigned or transferred. Where the name and address of the transferee holding the securities on January 1 of any year is given, any previous transfer or assignment of the securities need not be furnished.

(d) A list of all stocks, lien notes, bonds, mortgages, certificates and other evidences of indebtedness that it has assigned or transferred to any person as security for the issuing of any debenture or collateral trust bonds, the amount of each, and the name and address of the person to whom each was assigned.

(2) The reports required under paragraphs (a) and (b) of subsection (1) of this section need not include sales or pledges from one bank, trust company or combined bank and trust company to another such bank or company, or notes or obligations secured by any recorded instrument executed to a bank, trust company or a combined bank and trust company in which the obligations secured by the instrument or divided among estates or accounts in charge of the bank or company and regularly and properly entered on its records. The provisions of this section do not apply to mortgages made by corporations to trustees to secure bond issues made by them in the regular course of business, except as provided in paragraph (c) of subsection (1) of this section.

(3) The information thus obtained shall be communicated by the department to the county tax commissioner and the board of supervisors of the respective counties in which the true owners of the debts reside.

Sec. 11. Section 132.550 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon a final certification by the Department of Revenue the county tax commissioner, shall calculate the taxes due the state, county, school, county polls and school polls for each individual taxpayer, opposite their name in the tax rolls, upon the form prescribed by the Department of Revenue. The rolls and forms shall be a permanent record of the county tax commissioner's office.

(2) For performing the services required by this section the county tax commissioner shall be paid the sum of ten cents for each tax list on the tax rolls, one-half of this sum to be paid by the state, and the other one-half to be paid by the county.

Sec. 12. Section 132.590 of the Kentucky Revised Statutes is amended to read as follows:

(1) The compensation of the county tax commissioner for the 1948 and 1949 assessments shall be computed on the basis of ten cents on each one hundred dollars of the first million dollars and two cents on each one hundred dollars of the excess over one million dollars of the annual assessment. In counties in which the assessed value of property exceeds fifteen million dollars, the county tax commissioner shall be allowed by the state as compensation to his deputies, for the 1948 and 1949 assessments, two cents on each one hundred dollars of the property assessed in excess of fifteen million dollars, but the total sum allowed to any county tax commissioner as deputy hire shall not exceed seven thousand five hundred dollars in any county except in a county having a city of the first class, which shall be governed by KRS 132.630.

(2) After the tax commissioner has completed his tax rolls and corrected them in accordance with directions of the Department of Revenue under KRS 133.040, the county tax commissioner shall present to the county court his account, verified by affidavit, stating the total assessed value of the property listed by him as shown by his assessment books, and the county court shall approve and allow eighty percent of the amount due him, based upon his assessment. When a copy of the order of allowance is presented to the Department of Finance, it shall, upon approval by the Department of Revenue, authorize payment to the county tax commissioner of the amount approved and allowed. When the county board of supervisors has completed its work and its report has been certified to the Department of Revenue showing the total assessed value of the property of the county, the county tax commissioner shall present his account for the balance due to the county court, which shall be allowed in the manner provided by law. Upon approval by the Department of Revenue that such balance is due, the Department of Finance shall authorize payment to the county tax commissioner of the

remaining twenty percent due, based on the total value of the assessment made by him as finally equalized by the county board of supervisors.

(3) The 1950 compensation of the county tax commissioner shall be computed as provided in subsection (1). In the year 1950 and thereafter state funds available to any county tax commissioner as compensation for deputies or for other expenditures shall be paid upon authorization of the Department of Revenue that such compensation is due. In the year 1951 and thereafter, the compensation of the county tax commissioner shall be computed on the basis of ten cents on each one hundred dollars of the first million dollars and two cents on each one hundred dollars of the excess over one million dollars of the annual assessment. In counties in which the assessed value of property exceeds eight million dollars, the county tax commissioner shall be allowed by the state as compensation to his deputies and for other authorized expenditures three cents on each one hundred dollars of the property assessed in excess of eight million dollars but the total sum allowed to any county tax commissioner as deputy hire and for other authorized expenditures shall not exceed twenty thousand dollars in any county except in a county having a city of the first class, which shall be governed by KRS 132.630.

(4) In any county assessing more than one hundred and twenty-five million dollars in taxable property, the county shall allow and pay to the county tax commissioner from its funds, for assistants, six thousand dollars. In any county assessing more than eighty million dollars in taxable property, the county shall allow and pay to the county tax commissioner from its funds, for assistants, three thousand dollars. In any county assessing more than thirty-five million dollars in taxable property, the county shall allow and pay to the county tax commissioner from its funds, for assistants, one thousand five hundred dollars. In counties assessing less than thirty-five million dollars in taxable property, the county shall allow and pay to the county tax commissioner from its funds, for assistants, five hundred dollars.

(5) The county tax commissioner shall not retain any part of the compensation allowed his deputies for more than thirty

days, nor shall he receive more than five thousand dollars for his personal services, incident to any assessment.

Sec. 13. Subsection (1) of Section 132.660 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Revenue shall have authority to order an emergency assessment of all or any part of the taxable property in any taxing district to be made by one or more persons appointed for that purpose by the department, whenever: there has been no regular assessment; the records of an assessment have been destroyed, mutilated or lost; complaint is made by the owners of not less than ten percent in value of the taxable property in the taxing district; or investigation of the department discloses that the assessment of property in such taxing district is so grossly inequitable or fiscally infeasible that an emergency exists. The order directing such emergency assessments shall state the reasons therefor and a copy shall be filed in the office of the clerk of the county court where the property lies. Such order, when filed, shall void any assessment for the assessment year for which the emergency assessment is made. Any person appointed to make such an emergency assessment shall have the same powers and duties as the tax commissioner. Whenever the tax roll has been completed under an emergency assessment and the tentative valuations have been determined, the department shall cause to be published in the newspaper having the largest bona fide circulation in the county a notice as to the date when the tax roll will be ready for inspection and the time available for such purpose; also a copy of the notice shall be posted at the courthouse door. If any property is assessed at a greater value than that listed by the taxpayer or unlisted property is assessed, the taxpayer shall be charged with notice of such action by reason of the inspection period, and no further notice need be given of such action taken before the beginning of the inspection period. At the close of the inspection period, the tax roll shall be filed in the county tax commissioner's office and the county judge shall immediately convene the board of supervisors to hear and determine any appeals from such emergency assessment. The board shall remain in session for the time and shall receive the compensation as provided in KRS 133.030 (2). Appeals shall be

taken and heard from such emergency assessments in the same manner as appeals from regular assessments.

Sec. 14. Section 132.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who wilfully fails to supply to county tax commissioner or the Department of Revenue with a complete list of his property and such facts with regard thereto as may be required or who violates any of the provisions of KRS 132.570 shall be fined not more than five hundred dollars.

(2) Any county tax commissioner who wilfully fails or neglects to perform any duty legally imposed upon him shall be fined not more than five hundred dollars for each offense, and the judgment of conviction may declare his office vacant.

Sec. 15. Section 133.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county board of supervisors shall be composed of reputable property owners residing in the county, to be appointed by the county judge annually at the January term. The board shall consist of three members appointed from the county at large, unless the fiscal court shall by order direct that the board be composed of one member from each magisterial district in the county. The county judge shall designate one of the members to serve as chairman of the board. A majority of the board may determine the action of the board and make decisions therefor. The county tax commissioner shall make sufficient copies of the order of appointment and deliver them to the sheriff who shall deliver a copy to each supervisor before February 1 and make due return thereof to the tax commissioner. A vacancy resulting from any cause shall be filled by the county judge.

(2) The supervisors, before entering upon the discharge of their duties, shall take the following oath: "You swear that you will to the best of your ability discharge the duties required of you and that you will not change the value of any property to a higher or lower relative value than the assessment of other property of the same class in the county."

Sec. 16. Section 133.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The board of supervisors shall convene at the county seat on the first Monday in February; except that no meeting shall be held until the tax roll has been completed and the assessments of the county tax commissioner have become final in accordance with law. At the time of the meeting, the county tax commissioner shall deliver his records to the board.

(2) The board of supervisors shall continue in session until all appeals are heard and decided and its other duties have been performed; except that it shall not continue in session more than fifteen days after it convenes unless in a county containing a city of the first, second or third class or an extension of time is authorized by the Department of Revenue. Each member of the board of supervisors in a county containing a city of the first or second class shall be allowed ten dollars for each day of actual attendance of the meetings of the board. Each supervisor in all other counties shall be paid five dollars for each day he serves. This compensation shall be paid one-half out of the county levy and the other half out of the State Treasury.

Sec. 17. Section 133.040 of the Kentucky Revised Statutes is amended to read as follows:

The county tax commissioner shall complete the tentative assessment of all the property in his district before December 1 of each year in accordance with the law governing the preparation of the tax roll, and on or before that date he shall file a recapitulation on blanks to be forwarded by the Department of Revenue of all property assessed on said tax roll with the Department of Revenue with his official certificate attached thereto. The county tax commissioner shall also file at the same time the schedules containing a list of the intangible personal property with the Department of Revenue. The Department of Revenue shall examine the intangible schedules and the recapitulation and compare them with such data as it may obtain from any source to determine whether the tentative assessments conform to law. Within four weeks after receiving the recapitulation and schedules, the Department of Revenue shall advise the tax commis-

sioner of the changes that are necessary to correct the assessment, and it shall return to the tax commissioner such schedules as, in its opinion, are necessary to be corrected by reason of the undervaluation of any property or for any other reasons. After the tax commissioner has made the necessary correction in assessment and records thereof, he shall return such intangible schedules to the Department of Revenue, and it shall preserve such schedules for a period of twelve years from the assessment date.

Sec. 18. Section 133.120 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any taxpayer aggrieved by an assessment made by the tax commissioner may appeal to the board of supervisors. A letter or other written petition stating the reasons for appeal shall be filed with the county tax commissioner between the date the inspection period begins and the date the board of supervisors convenes.

(2) The board of supervisors shall hold a public hearing for all appeals in protest of the action of the tax commissioner, and after hearing all the evidence, shall make such changes as it deems necessary to equalize assessments. The board shall report to the tax commissioner any property omitted from the tax roll. The tax commissioner shall assess such property and immediately give notice to the taxpayer in the manner required by KRS 132.450 (2), specifying a date when the board of supervisors will hear the taxpayer, if he so desires, in protest of the action of the tax commissioner.

(3) The board of supervisors shall have power to issue subpoenas, compel the attendance of witnesses, and adopt rules and regulations concerning the conduct of its business. Any member of the board shall have power to administer oaths to any witness in proceedings before the board.

(4) Any taxpayer feeling himself aggrieved by the final action of the board of supervisors may within fifteen days after its adjournment appeal to the Kentucky Tax Commission by filing a statement of the grounds for his appeal and a certified copy of the action of the board of supervisors. The tax commissioner, the county judge, the Department of Revenue, the chief

finance officer of any city using the county assessment, if the city elects to do so, or the superintendent of any school district in which property reviewed by the board of supervisors is located, may appeal to the Tax Commission in the same manner as a taxpayer. The party making the appeal shall give notice in the manner provided by the Civil Code of Practice to all other parties entitled by this section to appeal. The Tax Commission, sitting in the county in which the property is located shall hear the evidence de novo and fix a value upon the property consistent with sections 171, 172 and 174 of the Constitution. The Commissioner of Revenue may appoint a conferee to conduct any hearings, receive evidence and hear argument, and embody same in a report to the Tax Commission. Any of the parties may appeal from the judgment of the Tax Commission to the circuit court in the county where the property is located and thence to the Court of Appeals, as provided by law. No appeal under this section shall delay the collection or payment of any taxes based upon the assessment in controversy. The taxpayer shall pay all state, county and district taxes due on the valuation which he claims as true value as and when required by law, and when the valuation is finally determined upon appeal, the court or Tax Commission shall certify the valuation to the county tax commissioner and the taxpayer shall be billed for any additional tax and six percent interest from the date when the tax would have become due if no appeal had been taken. The provisions of KRS 134.390 shall apply to such tax bill.

(5) It shall be the duty of the county attorney to represent the interest of the state and county in all hearings before the board of supervisors and on all appeals prosecuted from its decision.

Sec. 19. Section 133.125 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county tax commissioner shall act as clerk of the board of supervisors, and his chief deputy shall assist him in performing this service. He shall keep an accurate record of the proceedings and orders of the board. The record shall show the name of the owner of the property, the description, the type of property, the amount of the assessment the county tax commis-

sioner placed on the property and the amount of change made in the assessment by the board of supervisors. A copy certified by the chairman of the board and attested by the county tax commissioner shall be filed by the tax commissioner in his office and with the Department of Revenue within five days after the adjournment of the board.

(2) After certification of the action of the board of supervisors, the county tax commissioner shall complete his rolls by adding to them all listings and assessments which he may have made after the rolls were open for inspection as provided in KRS 133.045 and making all adjustments ordered by the board of supervisors, and he shall then make a recapitulation of the assessment by taxing districts and types of property and shall submit such recapitulation to the Department of Revenue within fifteen days after adjournment of the board, unless the time is extended by the department.

(3) The county tax commissioner shall certify to the county court the number of days during which the board was in session, and the court shall enter this fact of record along with the amount due the supervisors for their services. On a presentation of a copy of the order, the Department of Finance shall draw a warrant on the State Treasurer in favor of the supervisors for the amount due for their services.

(4) The tax commissioner and his chief deputy shall be allowed the same compensation per day for their services as is allowed to members of the board of supervisors of their county, and they shall be paid such sum as part of their compensation at the time of the tax commissioner's final settlement under KRS 132.590. Provided, that the clerk shall be allowed compensation for not more than ten days after adjournment of the board of supervisors for completing and filing the record of the board and for preparing the recapitulation.

Sec. 20. Section 133.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) When the Kentucky Tax Commission has completed its equalization of the assessment of the property in any county, it shall certify its action to the county judge, with a copy of the

certification for the county tax commissioner, to be laid before the fiscal court of the county. The fiscal court, in a regular or special session, may direct that the equalization be submitted to the courts for review and correction if it is of the opinion that the equalization is unfair and unjust to the taxpayers of the county.

(2) If the fiscal court deems it proper to ask for a review of the equalization, it shall pass a resolution to that effect, a copy of which shall be forwarded to the Kentucky Tax Commission within ten days after the final certification has been placed in the hands of the county tax commissioner. Within ten days from the date the final certification was placed in the hands of the county tax commissioner, the fiscal court of the county, through the county attorney, may prepare a statement showing in detail wherein the action of the commission is unfair or unjust to the county, and file it in the office of the circuit court clerk of Franklin County. A copy of the statement shall at the same time be filed with the commission. Within fifteen days thereafter the commission, through the Attorney-General, may file an answer. Within fifteen days after the answer is filed, the county shall prepare and file its proof in support of its contentions, which may be by affidavits or depositions, and within fifteen days after the county has filed its proof, the commission shall prepare and file proof in support of its position, which may be by affidavits or depositions. When the proof is thus filed, the circuit court clerk shall forthwith place in the hands of the judge of the Franklin circuit court all papers and proofs, and the judge shall hear and render judgment in the controversy within ten days after the papers are placed in his hands. The judgment shall be returned by him to the circuit court clerk, who shall enter it as the judgment in the controversy. It shall have the same effect as a judgment duly entered at a regular term and shall be binding on all parties, and conclusive of the controversy unless an appeal is taken.

(3) If either party to the controversy is dissatisfied with the judgment rendered he may appeal to the Court of Appeals within ten days thereafter. The circuit court clerk need not copy the record but shall transmit to the Clerk of the Court of Appeals the original record with a certification that it is the complete record. The appeal shall immediately be placed upon the docket

of the Court of Appeals and shall take precedence over other cases in the court. The appellant shall file its brief within ten days after the case is placed upon the docket, and the appellee shall file its brief within ten days thereafter, and the case shall be submitted upon the filing of the brief of the appellee.

(4) If the judgment of the circuit court upholds the action of the Kentucky Tax Commission, the county tax commissioner shall proceed in accordance with the directions previously certified; if the judgment modifies the certification, the commission shall make a new certification in accordance with the judgment. If an appeal is taken from the judgment of the circuit court, all proceedings shall be suspended until the matter is determined by the Court of Appeals. If the action of the Kentucky Tax Commission is upheld by the Court of Appeals, the county tax commissioner shall proceed in accordance with the original certification; if the action is modified by the decision of the Court of Appeals, a new certification shall be made in conformity to the decision. No petition for rehearing shall be filed.

Sec. 21. Section 133.181 of the Kentucky Revised Statutes is amended to read as follows:

If the Kentucky Tax Commission, in making its equalization of the property in any county, causes any increase or decrease to be made in the value of any property, the county tax commissioner shall correct the tax books to comply with the final certification of the assessment by the commission. As compensation for his services, the tax commissioner shall receive three dollars per day for as many days as are necessary to make the corrections but not to exceed a total of ten days. One-half of such amount shall be paid out of the county levy and one-half out of the State Treasury. Such sums shall be paid when the tax commissioner makes his final settlement yearly under KRS 132.590.

Sec. 22. Section 133.185 of the Kentucky Revised Statutes is amended to read as follows:

No tax rate for any taxing district imposing a levy upon the county assessment shall be determined before the assessment is certified by the Kentucky Tax Commission to the county tax commissioner as provided in KRS 133.180.

Sec. 23. Section 133.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Department of Revenue annually shall furnish to each county tax commissioner tax bill forms designed for adequate accounting control sufficient to cover the taxable property on the rolls. These tax bill forms shall be furnished not later than ten days after the Kentucky Tax Commission has rendered its certification. The county annually shall furnish the county tax commissioner with sufficient tax bill forms for his use in the preparation of tax bills for all taxpayers who are liable for a poll tax and who own no property assessed for taxation.

(2) After receiving the forms the county tax commissioner shall make out for the use of the sheriff or collector a correct tax bill for each taxpayer in the county whose property has been assessed and whose valuation is included in the certification provided in KRS 133.180. If the bills are bound the cost of binding shall be paid out of the county levy. Each tax bill shall show the rate of tax upon each one hundred dollars worth of of property for state, county and school purposes; the name of the taxpayer; the number of acres of farm land and its value; the number of lots and their value; the amount and value of notes and money; the value of mixed personal property; the county poll; the school poll; the school tax; and the total amount of taxes due the state, county, school fund and other levies. The county tax commissioner shall attest each bill by signing it officially. Provision shall be made for the sheriff to have a stub, duplicate or other proper evidence of receipt of payment of each tax bill.

(3) Tax bills prepared in accordance with the certification of the Kentucky Tax Commission shall be delivered to the sheriff or collector by the county tax commissioner before September 15 of each year. The tax commissioner shall take a receipt showing the number of tax bills and the total amount of tax due each taxing district as shown upon the tax bills. The receipt shall be signed and acknowledged by the sheriff or collector before the county tax commissioner, filed in the county court, and recorded in the order book of the county court in the manner required by law for recording the official bond of the sheriff.

Sec. 24. Section 133.230 of the Kentucky Revised Statutes is amended to read as follows:

Upon receipt of a certification of omitted property by the tax commissioner, or by the Department of Revenue, the county tax commissioner shall make out for the use of the sheriff or collector a tax bill for each taxpayer who owes omitted taxes. The omitted tax bills shall be attested by the tax commissioner in the same manner as the tax bills described in KRS 133.220. The tax commissioner shall deliver the omitted tax bill to the sheriff or collector as soon as the omitted poll or property has been finally assessed.

Sec. 25. Section 133.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The county tax commissioner shall be allowed seven cents for each tax bill made out for the sheriff or collector under the provisions of KRS 133.220, and fifty cents for each tax bill made out in case of an omitted assessment. He shall not be paid any part of his compensation by the state where the taxpayer has no property subject to taxation for state purposes.

(2) The county tax commissioner shall present his account to the county court, verified by his affidavit, together with his receipt from the sheriff for the tax bills and his receipt from the Department of Revenue for the recapitulation sheets. If found correct, the court shall allow the account, and order one-half of it paid out of the county levy and the other one-half out of the State Treasury. The county tax commissioner shall certify the allowance to the Department of Finance, which shall draw a warrant on the State Treasurer in favor of the county tax commissioner for the state's one-half.

Sec. 26. Section 133.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) The failure of any member to be in attendance promptly on the days fixed for the sessions of the board of supervisors without reasonable excuse shall subject him to a fine of not exceeding twenty-five dollars.

(2) Any county tax commissioner who fails to make out, for the use of the sheriff or collector, the book or books of tax bills and stubs provided in KRS 133.220, and deliver same to the

sheriff or collector on or before September 15 of each year, shall pay a penalty of ten dollars for each day's delay which must be deducted by the Department of Revenue from such sum, or sums, as may be due, or become due from the Commonwealth for official duties, and the date of the receipt required to be signed by the sheriff or collector by the provisions of KRS 133.220 shall be prima facie evidence of the delivery of same.

(3) Any county tax commissioner, who, without reasonable excuse, fails to return to the Department of Revenue copies of any books, papers or records required by it in the manner and at the time prescribed by law, shall, upon conviction, be fined not less than ten dollars nor more than one hundred dollars for each offense.

Sec. 27. Section 134.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) The sheriff, by virtue of his office, shall be collector of all state, county and district taxes, unless the payment thereof is, by law, especially directed to be made to some other officer. Where provision is not otherwise made for the collection of taxes, the assessment or proportion thereof allocable to a local taxing district shall be certified to the tax commissioner of the county which constitutes or in which such taxing district is located, for collection as provided by law.

(2) The sheriff shall not receive or receipt for any taxes until the tax bills have been delivered to him by the county tax commissioner, as provided in KRS 133.220 and 133.230.

H. B. No. 308. AN ACT relating to the Teachers' Retirement System.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 161.660, Kentucky Revised Statutes, is amended to read as follows:

Any member, before he has attained the age of 60, who has completed twenty years of accredited service in the public schools of the State of Kentucky, five of which immediately preceded retirement, may retire for disability and shall be granted a disability allowance to be paid from the funds of the retirement system. The disability allowance of each member retiring for disability shall be calculated in the same manner as the allowance for a superannuated member, excepting and providing that the factor used in final determination of the annuity shall be the factor corresponding to age 60 and not the factor corresponding to age at retirement. The minimum and maximum provisions as apply for members retiring for superannuation shall apply in all cases of retirement for disability.

Sec. 2. A new section of the Kentucky Revised Statutes is hereby created, to be numbered 161.705 and to read as follows:

(1) Any member of the Teachers' Retirement System, or the Board of Education, employing such member, or both, may make voluntary contributions of two per cent or more of such member's annual compensation to the retirement system for the benefit of such member. Such contributions shall be invested as provided in KRS 161.430.

(2) Upon retirement, any such member shall receive in addition to retirement allowances provided by law, such annuity as has been earned by the voluntary contributions made by or for such member, computed upon an actuarial basis. The member shall have the same benefit options with respect to such additional annuity as are provided in KRS 161.630, excepting as provided in subsection (3) of this Section.

(3) Upon the death or withdrawal from the retirement system of any member for any reason other than retirement, such member or the estate of such member, and the Board of Education shall each be reimbursed respectively for any voluntary contributions made by or on behalf of such member to the retirement system. Such reimbursement shall be made in a lump sum with average earned interest or a rate of interest fixed by the Retirement Board. Upon death after retirement no such reimbursement shall be made.

Ordered that said bills be printed and referred.

Mr. Searcy moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 14, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by the Reverend William F. Wilhoyte, pastor of the Church of the Nazarene, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams	Owen Deering	Robert N. Hubbard
Bill Adams	G. I. Drury	Silas Jacobs
Edgar Arnett	Thomas R. Duncan	Paul S. Jonas
Sidney Baer	R. C. Estepp, Sr.	Barkley Jones
Walter J. Bailey	Mitchell S. Fannin	William Jones
Clarence J. Barnum	Henry C. Hale	James W. Lambert
C. E. Baumgardner	C. A. Hammons	Jesse H. Lawrence
Leonard T. Bean	James P. Hanratty	Mrs. J. T. Linton
John D. Beatty	George F. Harris	Homer E. Losey
Fred Beshear	Paul E. Hayes	A. L. (Chick) Love
R. O. Blevins	John A. Head	Harry K. Lowman
Edw. O. Bridgers	Harold G. Helm	True Mackey
Thomas L. Britton	William K. Henry	Damon Majors
Charles J. Bronston	E. R. Hilton	John Martin
J. D. Buckman, Jr.	Ray Holbrook	Wm. T. Marshall
Mrs. M. E. Burnett	Woodrow W. Hollan	G. Lee McClain
Chas. W. Burnley	Chester J. Holsclaw	Jack McPherron
Stanley Carter	W. M. Horn	Alton Mitchell
Paul Combs	Richard R. Houpt	Archie R. Moore
R. Josh Cosby	Durham W. Howard	Emmett G. Moore
B. H. Crider	Maurice G. Howard	Walter R. Moorman

Fred H. Morgan
C. S. Nabb
Dr. C. E. Palmore
James H. Polsgrove
Leonard W. Preston
Hobart Rayburn
W. R. Reasor
Carl J. Ruh
Amos Runyan
Dr. Roy Sanders
LeRoy Saylor
Roy Searcy
Paul E. Shannon
Gus Sheehan, Jr.
Jesse H. Shelton
Joseph T. Snapp
John M. Spaulding
J. Claude Stacy
Roy Steers
Raymond D. Stigall
Mrs. Thelma Stovall
W. R. Stringer
Egbert V. Taylor
M. G. Thompson
Rev. T. Herbert Tinsley
Ralph N. Walter
Fred M. Warns
Harry Lee Waterfield
Lyle H. Webb
Morris Weintraub
G. F. Williamson
Charles W. Wirsch
Adron Doran, Speaker

Mr. William Jones moved that the rules be suspended for the purpose of making a Report of Committee.

Said motion was agreed to by a majority of the members elected.

Thereupon, Mr. William Jones of the Committee on Revenue and Taxation No. 1, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 226. AN ACT relating to revenue and taxation; increasing the rates of various taxes and appropriating the revenue derived therefrom.

Without an expression of opinion.

Mr. Fannin moved that said bill be advanced to a reading.

Mr. Preston moved that said bill be recommitted to the Committee on Revenue and Taxation No. 1 with instructions that said Committee report said bill with an expression of opinion.

Mr. Waterfield moved to amend the motion as made by Mr. Preston in that said bill be recommitted to the Committee on Appropriations with instructions that said Committee report said bill, together with House Bill No. 174, with an expression of opinion.

Mr. McClain raised the point of order that the motion as made by Mr. Waterfield was not germane to the subject matter contained in the motion as made by Mr. Preston.

The Speaker ruled the point of order as raised by Mr. McClain well taken.

Mr. Waterfield moved that the House do now recess for five minutes.

Said motion was disagreed to.

The yeas and nays being required on the motion as made by Mr. Preston by Mr. Preston and Mr. Weintraub were as follows, viz:

Those who voted in the affirmative were—

Jack McPherron	Egbert V. Taylor	Morris Weintraub
Leonard W. Preston	Harry Lee Waterfield	—5

Those who voted in the negative were—

Bernam Adams	John A. Head	James H. Polsgrove
Bill Adams	William K. Henry	Hobart Rayburn
Sidney Baer	E. R. Hilton	W. R. Reasor
Walter J. Bailey	Ray Holbrook	Carl J. Ruh
Clarence J. Barnum	Woodrow W. Hollan	Amos Runyan
C. E. Baumgardner	Chester J. Holsclaw	Dr. Roy Sanders
Leonard T. Bean	W. M. Horn	LeRoy Saylor
Fred Beshear	Robert N. Hubbard	Roy Searcy
R. O. Blevins	Silas Jacobs	Paul E. Shannon
Edward O. Bridgers	Paul S. Jonas	Gus Sheehan, Jr.
Charles J. Bronston	Barkley Jones	Jesse H. Shelton
J. D. Buckman, Jr.	William Jones	Joseph T. Snapp
Mrs. M. E. Burnett	Jesse H. Lawrence	John M. Spaulding
Stanley Carter	Mrs. J. T. Linton	J. Claude Stacy
Paul Combs	Homer E. Losey	Roy Steers
R. Josh Cosby	A. L. (Chick) Love	Raymond D. Stigall
B. H. Crider	Harry K. Lowman	Mrs. Thelma Stovall
Owen Deering	True Mackey	W. R. Stringer
G. I. Drury	Damon Majors	M. G. Thompson
Thomas R. Duncan	John Martin	Rev. T. Herbert Tinsley
R. C. Estepp, Sr.	Wm. T. Marshall	
Mitchell S. Fannin	G. Lee McClain	Ralph N. Walter
Henry C. Hale	Archie R. Moore	Fred M. Warns
C. A. Hammons	Emmett G. Moore	Lyle H. Webb
James P. Hanratty	Walter R. Moorman	Geo. F. Williamson
George F. Harris	Fred H. Morgan	
Paul E. Hayes	C. S. Nabb	—78

Thereupon said motion was disagreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill which originated in the Senate of the following title, viz:

S. B. No. 46. AN ACT relating to Judicial Districts; creating an additional district and making changes in the apportionment of counties to the Twenty-Eighth and Twenty-Ninth Judicial Districts in order to comply with the meaning and intent of the Constitution with respect to the division of the State into Judicial Districts; providing for continuation in office of the present Circuit Judges and Commonwealth's Attorney and creating the offices of Circuit Judge and Commonwealth's Attorney for the new district established by this Act; and providing for the holding of Court in each district affected by this Act.

Said bill is as follows, viz:

WHEREAS, the General Assembly has given due regard to the elements of territory, business and population involved in the division of the State into judicial districts; and

WHEREAS, with such due regard, the General Assembly has found the following facts to exist:

1. That the entire population of the State as of the last preceding Federal census, is 2,845,627.

2. That upon the basis of such population, additional judicial districts may be established to those now existing, pursuant to Section 128, 132, and 138 of the Constitution.

3. That it will be convenient and advantageous from the standpoint of territory, and will comply with the spirit and intent of the Constitution with respect to population and expedite the business of the courts in the counties involved, to create a new judicial district to consist of the Counties of Clinton, Russell and Wayne, and to change the Twenty-

eighth and Twenty-ninth Judicial Districts so they will consist of the following counties:

Twenty-eighth District—Pulaski and Rockcastle

Twenty-ninth District—Adair, Casey, Cumberland and Monroe.

NOW, THEREFORE:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The Twenty-Eighth and Twenty-Ninth Judicial Districts shall hereafter be composed of the following counties:

Twenty-Eighth District—Pulaski and Rockcastle

Twenty-Ninth District—Adair, Casey, Cumberland and Monroe.

Sec. 2. A new judicial district is established to be numbered the Fortieth Judicial District and to consist of the Counties of Clinton, Russell and Wayne.

Sec. 3. The present circuit judges and Commonwealth's Attorneys for the Twenty-Eighth and Twenty-Ninth Judicial Districts, as now constituted, shall retain their respective offices, for the terms for which they were elected, for the said districts as they have been changed under this Act.

Sec. 4. The offices of circuit judge and Commonwealth's Attorney for the new judicial district established by this Act, being the Fortieth Judicial District, are hereby created. Until the regular election for circuit judge and Commonwealth's Attorney in 1951, said offices shall be filled as provided in Section 152 of the Constitution for offices in which there is a vacancy.

Sec. 5. The regular term of each court in the judicial districts dealt with by this Act shall commence in each county at the following named times, and continue, if the business requires it, the number of days hereinafter prescribed:

Twenty-Eighth District. Pulaski County, at Somerset, on the second Monday in January, thirty-six (36) juridical days; on the second Monday in April, forty-eight (48) juridical days; on the third Monday in July, twenty-four (24) juridical days; and on the third Monday in October, forty-eight (48) juridical days.

Rockcastle County, at Mt. Vernon, on the fourth Monday in February, the third Monday in June, and the second Monday in September, twenty-four (24) juridical days each.

Twenty-Ninth District. Adair County, at Columbia, on the first Monday in March, twelve juridical days; on the first Monday in July, eighteen juridical days; on the first Wednesday after the first Monday in November, ten juridical days.

Casey County, at Liberty, on the first Monday in February, eighteen juridical days; on the first Monday in June and September, twelve juridical days each.

Cumberland County, at Burkesville, on the third Monday in March, eighteen juridical days; on the third Monday in August and November, twelve juridical days each.

Monroe County, at Tompkinsville, on the second Monday in April, eighteen juridical days; on the first Monday in August and December, twelve juridical days each.

Fortieth District. Clinton County, at Albany, on the second Monday in January, on the fourth Monday in April, and on the first Monday in September, eighteen (18) juridical days each.

Russell County, at Jamestown, on the second Monday in February, on the fourth Monday in May, and on the first Monday in October, twenty-four (24) juridical days each.

Wayne County, at Monticello, on the third Monday in March, on the first Monday in July, and on the second Monday in November, twenty-four (24) juridical days each.

Sec. 6. This Act shall take effect on August 28, 1950.

Ordered that said bill be printed and referred.

The message which was received from the Senate also announced that they had passed a bill which originated in this House of the following title, viz:

H. B. No. 92. AN ACT relating to the Adjutant General.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had adopted a resolution which originated in that body of the following title, viz:

S. Res. No. 29. A CONCURRENT RESOLUTION extending felicitations to John "Sonny" Allen.

Said resolution is as follows, viz:

WHEREAS, John "Sonny" Allen, native of Morehead, Kentucky, and student at Morehead State College, has brought luster and renown to his home community and State as a famed basketball player.

WHEREAS, "Sonny" Allen was captain of Breckinridge Training School in 1946 when that team won the state high.school championship and captained the All Kentucky team which played the All Indiana team at Butler Fieldhouse that year and was voted the outstanding player of Kentucky and Indiana.

WHEREAS, this young man, a product of the Kentucky public school system, has turned down numerous offers of outside scholarships in order to attend Morehead State College.

WHEREAS, the said Allen has made the highest average of any college basketball player in the Commonwealth, having made 1,794 points in 86 games, an average of 20.8 points for each game. This year his average has been 21.1 points a game, having amassed a total of 380 points in 18 games.

WHEREAS, the citizens of Morehead are having a special program in honor of "Sonny" Allen, February 18, and the Gov-

ernor of the Commonwealth is to signally honor this outstanding Kentuckian;

NOW THEREFORE,

Be it resolved by the Senate of the Commonwealth of Kentucky, the House of Representatives concurring therein:

1. That we extend our heartiest felicitations to this outstanding Kentucky youth, whose achievements and loyalty we commend; as constituting a challenge to other youthful Kentuckians to attain higher standards of excellence.

2. That copies of this Resolution be spread on the journal of the Senate and House, and furnished to Breckinridge Training School and Morehead State College.

Ordered that said resolution be laid on the Clerk's desk.

Mr. Weintraub moved that debate on the motion as made by Mr. Fannin be limited to fifteen minutes for proponents and fifteen minutes for opponents.

The Speaker ruled the motion as made by Mr. Weintraub out of order.

The yeas and nays being required on the motion as made by Mr. Fannin by Mr. Fannin and Mr. Lowman were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Mitchell S. Fannin	William Jones
Leonard T. Bean	Henry C. Hale	James W. Lambert
John D. Beatty	C. A. Hammons	Homer E. Losey
Fred Beshear	George F. Harris	A. L. (Chick) Love
R. O. Blevins	Harold G. Helm	Harry K. Lowman
L. E. Bradley	E. R. Hilton	Damon Majors
Thomas L. Britton	D. W. Howard	John Martin
Charles W. Burnley	M. G. Howard	Alton Mitchell
B. H. Crider	Robert N. Hubbard	Archie R. Moore
R. C. Estepp, Sr.	Barkley Jones	Emmett G. Moore

Walter R. Moorman	Roy Steers	Lyle H. Webb	
C. S. Nabb	Egbert V. Taylor	Morris Weintraub	
Dr. C. E. Palmore	M. G. Thompson	Adron Doran,	
Amos Runyan	Ralph N. Walter	Speaker	
LeRoy Saylor	Harry Lee Waterfield		—43

Those who voted in the negative were—

Bernam Adams	Paul E. Hayes	Hobart Rayburn	
Edgar Arnett	John A. Head	W. R. Reasor	
Sidney Baer	William K. Henry	Carl J. Ruh	
Walter J. Bailey	Woodrow W. Hollan	Roy Searcy	
Clarence J. Barnum	Chester J. Holsclaw	Paul E. Shannon	
C. E. Baumgardner	W. M. Horn	Gus Sheehan, Jr.	
Edward O. Bridgers	Silas Jacobs	Joseph T. Snapp	
Charles J. Bronston	Paul S. Jonas	John M. Spaulding	
J. D. Buckman, Jr.	Jesse H. Lawrence	J. Claude Stacy	
Stanley Carter	Mrs. J. T. Linton	Raymond D. Stigall	
Paul Combs	True Mackey	Mrs. Thelma Stovall	
R. Josh Cosby	G. Lee McClain	W. R. Stringer	
Owen Deering	Jack McPherron	Fred M. Warns	
G. I. Drury	James H. Polsgrove	G. F. Williamson	
Thomas R. Duncan	Leonard W. Preston		—44

Thereupon, said motion was disagreed to.

Mr. Harris moved that the reading of the Journal of the proceedings of Thursday, February 9, 1950, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Losey moved that the rules be suspended and Master Jim Tom Hall be made an Honorary Page for the day.

Said motion was unanimously agreed to.

Mr. Polsgrove moved that the rules be suspended and the privilege of the floor extended to Dr. A. L. Henry and Mr. and Mrs. W. Raymond Polsgrove.

Said motion was unanimously agreed to.

Mr. Losey moved that the rules be suspended and the privilege of the floor extended to Mr. and Mrs. V. Hall, Mrs. Fern Reynolds Curry, Miss Freida Bauer and Miss Lucille Cooper.

Said motion was unanimously agreed to.

Mr. Hollan moved that the rules be suspended and the privilege of the floor extended to Mrs. Marie R. Turner, and the Honorable Ervin Turner.

Said motion was unanimously agreed to.

Mr. Steers moved that the rules be suspended and the privilege of the floor extended to Mrs. Macy Mitchell.

Said motion was unanimously agreed to.

Mrs. Linton moved that the rules be suspended and the privilege of the floor extended to Mr. John S. Webb.

Said motion was unanimously agreed to.

Mr. Morgan moved that the rules be suspended and the privilege of the floor extended to Mrs. George Overby.

Said motion was unanimously agreed to.

Mr. Nabb moved that the rules be suspended and the privilege of the floor extended to Mr. R. C. Glenn.

Said motion was unanimously agreed to.

Mr. Beatty moved that the rules be suspended and the privilege of the floor extended to Mrs. John Head.

Said motion was unanimously agreed to.

Mr. Bailey moved that the rules be suspended and the privilege of the floor extended to Mr. Ted Crashwheat.

Said motion was unanimously agreed to.

Mr. Fannin moved that the rules be suspended and the privilege of the floor extended to Mr. Clarence Harmon.

Said motion was unanimously agreed to.

Mr. Majors moved that the rules be suspended and the privilege of the floor extended to Miss L. Young.

Said motion was unanimously agreed to.

Mr. Lambert moved that the rules be suspended and the privilege of the floor extended to Mr. Charles M. Landrum, Jr.

Said motion was unanimously agreed to.

Mr. Henry moved that when the House adjourn today it adjourn out of respect for the late Judge Frank Nunnelly of Georgetown, Kentucky.

Said motion was agreed to.

Mr. Carter moved that the House take up for immediate consideration from the Clerk's desk a resolution of the following title, viz:

S. Res. No. 25. A CONCURRENT RESOLUTION concerning the growing and marketing of tobacco in Kentucky.

Which was reported to the House from the Senate on February 8.

Said motion was agreed to.

Thereupon, the House took up for consideration said resolution.

(For resolution see H. J. of February 8, 1950, ante.)

Mr. Carter moved that the House do now concur in said resolution.

Said motion was agreed to.

And thereupon said resolution was concurred in.

Bills and resolutions of the following titles were introduced, viz:

By Mr. Weintraub.

H. B. No. 309. AN ACT relating to the establishment of a new city in Campbell County, Kentucky, to embrace certain existing cities and unincorporated territory adjacent thereto, and including provisions concerning an independent school district to be embraced within such new city.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The cities of Newport, Bellevue, Dayton, Ft. Thomas, Southgate, Wilder, and Woodlawn, in Campbell County, and all unincorporated territory lying within a rectangular boundary consisting of the Ohio River on the north, the Licking River on the west, an east and west line touching the southernmost point of the boundary of the southernmost of such cities on the south, and a north and south line touching the easternmost point of the boundary of the easternmost of such cities on the east, shall by virtue of this Act, and effective as of January 1, 1951, be annexed together and consolidated into a single city, which shall constitute a city of the second class and which, until such time as the form of government shall be changed pursuant to law, shall operate and be governed under the city manager form of government.

Sec. 2. Within thirty days after the effective date of this Act, the legislative body of each of the cities named in Section 1 of this Act shall appoint a representative, and the representatives so appointed shall constitute a commission for the purpose of selecting proposed names for the new city. The commission shall meet within fifteen days after their appointment, and select not less than two or more than three proposed names for the new

city. A report thereof shall be filed with the county court of Campbell County not less than sixty days after the appointment of the commission, and shall be entered upon the records of the court.

Sec. 3. At the general election in 1950, the voters of the territory to be embraced within the new city shall select a name for the city from among the names recommended by the commission as provided for in Section 2 of this Act. The county court clerk shall caused to be placed upon the ballot, in appropriate form, a question enabling each voter to indicate his choice among the recommended names. The new city shall bear the name approved by the majority of the voters voting on the question.

Sec. 4. A primary election shall be held within the territory to be embraced within the new city, in 1950, pursuant to the provisions of KRS 89.440, for the purpose of nominating candidates for the offices provided for in KRS 89.430. For the purposes of this primary election, the new city may temporarily be designated as the "City of Campbell," and the newspaper publications required by KRS 89.440 shall be made in the newspaper having the largest bona fide circulation in the territory. At the regular election in 1950, officers for the city shall be elected from among those nominated in the manner provided in KRS 89.450 and 89.460. The expenses of the primary election, and such expenses of the general election as by statute are chargeable to a city, shall be prorated among the cities named in Section 1 of this Act, and the fiscal court of Campbell County, in the ratio that the population of each of such cities, and the population of the unincorporated territory to be embraced in the new city, bears to the entire population of the new city. No primary or general election for city officers of the cities named in Section 1 of this Act shall be held in 1950.

Sec. 5. The terms of any city officers of the cities named in Section 1 of this Act shall expire on the first day of January, 1951, and the terms of the officers for the new city shall commence on that day.

Sec. 6. The territory embraced within each of the cities named in Section 1 of this Act shall, after the establishment of

the new city, continue to constitute a separate taxing district for the purpose of paying any outstanding indebtedness of the original city, and the separate indebtedness of each such city shall constitute a first lien on the property within such territory. The legislative body of the new city shall fix the tax rate for each of the separate taxing districts, and provide for the assessment of property and the collection of the taxes in the same manner as for regular city taxes. The money collected as taxes for each of the separate taxing districts shall be kept separate and apart and shall be used only in payment of the debts of the respective former cities.

Sec. 7. All records, supplies, equipment and property of every character of the cities named in Section 1 of this Act, shall be turned over to the proper officials of the new city. Any city employes having civil service status in any of the cities named in Section 1 of this Act shall be entitled to continue in the service of the new city in similar status, under an appropriate civil service ordinance to be enacted by the new city. Any pension funds for city employes maintained by any of the cities named in Section 1 of this Act shall be kept separate and apart by the new city, for the benefit of the employes having an interest therein.

Sec. 8. All territory embraced within the new city shall constitute a single independent school district. At the regular election in 1950, members of the board of education for the district shall be elected within the territory to be embraced within the new city, as provided by law. Upon taking office, the members shall determine by lot which three members shall serve for terms of only two years. No election for members of boards of education shall be held in 1950 in any present independent school district within the territory to be embraced within the new city, and the terms of the members of such boards of education shall expire on the first Monday in January, 1951. The independent school district embraced within the new city shall take over all the assets and legal liabilities of the former separate independent school districts, and shall take over all school property within the new city that formerly was operated by the county school district, and shall assume a proportionate part of the legal liabilities of the county school district. Any tax levies

authorized for the payment of interest and retirement of bonds or the provision for sinking funds for such purposes shall continue to be levied and collected over the same respective areas by the new board of education in accordance with the laws under which the levies originally were made until all bonded obligations of the old district or districts have been retired.

Sec. 9. Any boards, commissions or similar agencies of any of the cities named in Section 1 of this Act, shall, as of January 1, 1951, be abolished; appropriate boards, commissions or agencies of the same or a similar character, authorized by law for cities of the second class, shall be established by the legislative body of the new city in lieu thereof, and all funds and properties of the abolished boards, commissions or agencies shall be transferred to the appropriate new board, commission or agency.

By Mr. Warns.

H. B. No. 310. AN ACT relating to the ownership and operation of drug stores or pharmacies.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. (1) Except as provided in subsections (2), (3) and (4) of this section, no drug store may be operated in this state unless the owner of the business is:

(a) An individual registered pharmacist of this state in good standing; or

(b) A partnership, each active member of which is a registered pharmacist of this state in good standing; or

(c) A corporation, any two of the principal officers of which are registered pharmacists of this state in good standing.

(2) Any drug store in bona fide operation on July 1, 1950 and which has been in bona fide operation for not less than three

months prior to that date, whose owner on July 1, 1950, does not meet the qualifications prescribed in subsection (1) of this section, may continue to be operated with the same owner so long as he remains owner thereof.

(3) This section shall not prevent the operation of a drug store during such temporary period, not to exceed one year, following the death or other involuntary cessation of ownership of a qualified owner, as may be required to accomplish transfer of ownership to another qualified owner.

(4) This section shall not prevent the operation of a pharmacy by any religious or charitable organization in a hospital.

(5) The requirements of this section shall be in addition to any other requirement of law governing the operation of drug stores.

Sec. 2. As used in Section 1 of this Act, the term "drug store" means any place where prescriptions are compounded or which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the term "pharmacists," "pharmacy," "apothecary," "drug," "drug store," "druggists," "drugs," "medicines," "medicine store," "drug sundries," "remedies," or any term of similar or like import, or any place with respect to which any of those terms are used in any advertisement or telephone directory listing.

Sec. 3. Section 315.020 of the Kentucky Revised Statutes is amended to read as follows:

(1) No pharmacy shall be operated unless there is a licensed pharmacist constantly in charge. No person except a licensed pharmacist shall himself sell at retail, manufacture, compound or dispense any drug, medicine, chemical, poison or pharmaceutical preparation for medical use, or compound and dispense phyisicians' prescriptions.

(2) No owner of a pharmacy or manufacturer of pharmaceutical or proprietary preparations shall fail to place a licensed pharmacist in charge of his place of business or shall permit any person to compound or dispense prescriptions or sell at retail drugs, medicines, poisons or pharmaceutical prepara-

tions in his place of business except in the presence and under the immediate supervision of a licensed pharmacist. Charge or supervision by the owner or manufacturer himself, he being a licensed pharmacist, shall be deemed a compliance with this section.

(3) No person not a licensed pharmacist or licensed assistant pharmacist shall take, use or exhibit the title of a licensed pharmacist or licensed assistant pharmacist.

Sec. 4. Section 315.030 of the Kentucky Statutes is repealed.

Sec. 5. Any person who violates Section 1 of this Act shall be fined not less than fifty dollars nor more than two hundred dollars for each offense.

Sec. 6. This Act shall take effect on July 1, 1950.

By Mr. Bernam Adams.

H. B. No. 311. AN ACT relating to the payment of expense allowances to certain county officers and employes in counties containing a city of the third class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In each county containing a city of the third class and having a county road engineer, there shall be paid out of the county treasury the sum of thirty-five dollars per month each to the county attorney, the county road engineer and to each member of the fiscal court, including the county judge, which sum is hereby declared to be the reasonable equivalent of the minimum expense incurred by each of the above officers in performing services in connection with the establishment and maintenance of roads within the county, and which sum is intended to constitute substantial reimbursement for the expenses so incurred.

By Mr. Hollan.

H. B. No. 312. AN ACT relating to an exemption from ad valorem taxes on real property in favor of veterans and their widows.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. A veteran who has served in the armed forces of the United States during any war and who is suffering a ten percent or more service connected disability as evidenced by a certificate of the Veterans Administration shall have an exemption from state and local ad valorem taxes upon any home owned and occupied by him up to $5,000 of assessed value.

Sec. 2. The exemption provided in Section 1 shall extend to the widow of such veteran so long as she owns the property, remains unmarried, and resides in this state.

By Mr. Hale.

H. B. No. 313. AN ACT relating to the fixing of hours of operation of places of entertainment, repealing Section 231.100 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 231.100 of the Kentucky Revised Statutes is hereby repealed.

By Mr. Jacobs.

H. B. No. 314. AN ACT changing the classification of the City of Falmouth, in Pendleton County.

Said bill is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the population of the City of Falmouth, in Pendleton County, is such as to justify its being assigned to the fourth class of cities,

NOW THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The City of Falmouth, in Pendleton County, is changed from the fifth to the fourth class of cities.

Sec. 2. Whereas, in order to obtain the full benefit of federal aid for flood control projects, it is necessary that the City of Falmouth be reclassified at the earliest possible date, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Lambert.

H. B. No. 315. AN ACT amending Section 140.250 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 140.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) No safe deposit company, trust company, bank or other institution or person engaged in the business of renting safe deposit boxes or other receptacles of similar character shall rent any such box or receptacle without first requiring all persons given access thereto to agree in writing to notify the safe depository, bailee or lessor, from whom the box or receptacle is rented, of the death of any person having the right of access thereto, before seeking access to such box or receptacle after the death of such person. All persons having the right of access to any such safe

deposit box or receptacle, before seeking access to the box or receptacle after the death of any other person having access thereto, must notify the depository, bailee or lessor, from whom the box or receptacle is rented, of the death of such person.

(2) No safe deposit company, trust company, bank or other institution or person having in possession of under control, custody or partial custody any safe deposit box or similar receptacle shall permit access thereto by anyone after the death of any person who, at the time of his death, had the right or privilege of access thereto either as principal, deputy, agent or cotenant, without the consent of the Department of Revenue, or a person authorized by it to issue such consent; at which time of access after death, the Department of Revenue, or its authorized representative, may examine the contents of such box or receptacle and list the same.

(3) No safe deposit company, trust company, bank or other institution or person having in possession or under full or partial control or custody securities, deposits or other property, including the shares of the capital stock of, or other interest in, the safe deposit company, trust company, bank or other institution, belonging to or standing in the name of a decedent or in the joint name of a decedent and another person, shall deliver or transfer the property to personal representatives, agents, deputies, attorneys, trustees, legatees, heirs or successors in interest of the decedent or to any other person, or to the survivor when held in the joint names of the decedent and another person, or upon their order or request, without retaining a sufficient portion thereof to pay any tax and interest that may thereafter be assessed thereon under this chapter, nor unless notice of the time and place of such delivery or transfer is served upon the Department of Revenue at least thirty days prior to the proposed delivery or transfer. The department or a person authorized by the Commissioner of Revenue in writing may consent in writing to the delivery or transfer, and such consent shall relieve the safe deposit company, trust company, bank or other institution or person from the obligation under this section to give notice or to retain any portion of the property of the decedent in its lawful possession or control.

(4) The department may examine the property at the time of delivery.

(5) Any safe deposit company, trust company, bank or other institution or person failing to comply with the provisions of this section shall be liable for the amount of taxes, interest and penalties due under this chapter on the property mentioned in this section. The penalties and liabilities for the violation of this section may be enforced in an action brought by the department in any court of competent jurisdiction."

By Mr. Hammons.

H. B. No. 316. AN ACT relating to the payment of benefits to certain designated classes of persons; levying a tax to raise revenues therefor; proposing a Constitutional amendment in respect thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The Constitution of the Commonwealth of Kentucky is hereby proposed to be amended to read as follows:

The General Assembly shall have authority to provide for the levy and collection of a tax of two percent on gross incomes, the proceeds from which shall be used for the purposes of providing funds to enable payment of a bonus to members of the Armed Forces or their next of kin, to supplement the biennial appropriations to the Common School Per Capita Fund, and to supplement the biennial appropriations for old age assistance payments, aid to the needy blind, and aid to dependent children, in such proportions as the General Assembly may determine.

Sec. 2. The above amendment shall be submitted to the voters at the time and in the manner provided for under Sections 256 and 257 of the Constitution and Section 118.430 of the Kentucky Revised Statutes.

Sec. 3. In addition to the tax imposed by Chapter 141 of the Kentucky Revised Statutes, a tax is hereby imposed and

levied upon the gross income of each taxpayer as such terms are defined by Chapter 141 of the Kentucky Revised Statutes, beginning on or after January 1, 1952. Such tax shall be imposed at the rate of and equal to two percent of the gross income of each taxpayer as those terms are defined by Chapter 141 of the Kentucky Revised Statutes. This tax shall administered and enforced in the same manner and by the same authority as is the tax levied by Chapter 141 of the Kentucky Revised Statutes and the penalties provided in that chapter shall be equally applicable for the enforcement of this Act.

Sec. 4. One-half of the revenues received from this tax shall be placed in a World War I and II Bonus Fund and shall be expended for and only for the purpose of paying a bonus to members of the Armed Forces of the United States or their next of kin as hereinafter provided. One-fourth of the revenues received from this tax shall be used to supplement the biennial appropriations for the Common School Per Capita Fund. One-fourth of the revenues received from this tax shall be used to supplement the biennial appropriations for old age assistance payments, aid to the needy blind and aid to dependent children.

Sec. 5. As used in Sections 6 to 13 of this Act, and unless a different meaning appears from the context:

(a) The term "Department" means the Department of Military Affairs of the Commonwealth of Kentucky.

(b) The term "Member of the Armed Forces of the United States" means any person in active Military or Naval service in the land, air, or naval forces of the United States, including all members of the Army of the United States, Air Force of the United States, United States Navy, United States Marine Corps, United States Coast Guard, any and all of their components, including both male and female members. Service in the Merchant Marine shall not be considered for the purpose of this Act.

(c) The term "Next of Kin" means the widow or widower, who has not remarried, children, mother, father, and persons standing in loco parentis of any member of the Armed Forces of the United States, in the order named and none other.

(d) The term "Continental Limits of the United States" is limited to the States of the United States and the District of Columbia.

Sec. 6. (a) A bonus shall be paid to each member of the Armed Forces of the United States, still in the Armed Forces, or separated or discharged under honorable conditions, who was on active duty with such Armed Forces at any time during the periods from April 6, 1917, to November 11, 1918, and December 7, 1941 to September 2, 1945, who was on duty at least thirty days, and who was a resident of this State for at least six months immediately prior to his or her enlistment, induction or call to active duty. Such bonus shall be payable out of the World War I and II Bonus Fund only as receipts of revenue are collected from the provisions of this Act, and no indebtedness shall be incurred through the issuance of bonds. All receipts collected from the provisions of this Act, shall be placed in the General Fund as prescribed for the retirement of this obligation only when funds are available. The amount of said bonus shall be computed by the allowance of:

(1) For each month of service within the continental limits of the United States the sum of ten ($10) dollars.

(2) For each month of service outside the continental limits of the United States the sum of fifteen ($15) dollars.

(b) The minimum bonus payable hereunder will be fifty ($50) dollars.

(c) The maximum bonus payable to any member of the Armed Forces of the United States under this Act shall be Five hundred and fifty ($550) dollars regardless of the length of service of such member. No payment shall be made to any member of the Armed Forces of the United States who, though in service, was a conscientious objector to military service or who did only civilian work at civilian pay or who has received from another State a bonus or adjusted compensation of a like nature as is provided by this Act. No payment of a bonus shall be made under this Act until the Department shall order and direct the payment thereof in keeping with the terms of this Act, and, in such order, fix the date upon which payment of such claims shall begin. The

department hereby is authorized to direct the payment of such claims and fix the date upon which payment shall begin but no such direction or order shall be made by the department until it shall find that the moneys in the World War I and II Bonus Fund are sufficient to pay all claims. Until the effective date of any such order of the department so directing the payment of such claims and fixing such date, neither any member of the Armed Forces of the United States nor the next of kin of any such member shall have or acquire any right, vested or accrued, to the bonus provided for under this Act nor any right in or against the State of Kentucky, the department, or the funds appropriated to the World War I and II Bonus Fund.

(d) A bonus in the amounts specified in preceding subsections of this section shall be paid, upon the filing of an application as provided by this Act, to the next of kin of each member of the Armed Forces of the United States who, eligible under this Act, died prior to receiving payment of such bonus, regardless of whether an application was filed by such member prior to his or her death.

(e) A bonus of five hundred and fifty ($550) dollars regardless of the length of service of such member shall be paid to the next of kin of each member of the Armed Forces of the United States who, having been a resident of this State for a period of six months immediately prior to his or her enlistment, induction or call to active duty, died while on active duty at any time during the period from April 6, 1917 to November 11, 1918, and December 7, 1941, to September 2, 1945, and such death was service connected; provided no such payment is authorized or shall be made to the next of kin of such a member if such death was due to his or her own misconduct.

Sec. 7. There is hereby created a fund to be known as "World War I and II Bonus Fund." Fund appropriated thereto by this Act shall be paid into World War I and II Bonus Fund and shall be paid out upon order of the department as a bonus to members of the Armed Forces of the United States or their next of kin who are qualified to receive a bonus under this Act, in accordance with the procedure herein set out. The forms to be provided for the making of the applications shall be in the nature

of an affidavit and must be duly sworn to by applicants and attested to before a Notary Public or other person authorized to administer oaths. These applications shall be made in triplicate in order that one may be retained by the applicant, one by the department as a part of its permanent records, and one to accompany the order to pay to the Department of Finance and to be permanently retained by said office. These and all other forms used in processing of claims and paying of bonuses under this Act shall be prepared by the Department of Military Affairs and shall contain all the information necessary for the safeguard of the Commonwealth of Kentucky, and in keeping with the true intent and provisions of this Act, and shall be submitted to and approved by the Department of Finance before said forms are printed and placed in use.

After an application is filed with the department as provided herein, and after it has been duly checked, audited and processed by said department and the amount to be paid determined in accordance with the provisions of this Act, an order to pay, directed to the Department of Finance and carrying the name of the person to receive the money, the amount of money to be paid, the date of issue, and such information as the Commissioner of Finance shall find to be necessary, shall be duly signed by the Adjutant General of the Commonwealth of Kentucky and shall be delivered to the applicant. The duplicate copy of such order to pay shall be retained in the department and the third copy shall be forwarded to the Department of Finance in order that such department will have it to check against when the original order to pay is ultimately presented.

Sec. 8. No application for a bonus under this Act shall be filed except upon the official forms provided for herein, nor until four months after Sections 3 to 13 of this Act become operative. The Governor may extend the date for the beginning of filing of claims for a period of two months, if in his discretion proper administration requires such extension. All applications for a bonus under this Act shall be made to the department not later than six months after the date determined for the beginning of filing claims and no payment shall be made except upon applications received by the department on or before that date. The Adjutant General shall certify to the Governor of Kentucky

and to the Department of Finance, the total amount of all claims filed in order that the Department of Finance may determine whether there are sufficient funds to settle all claims filed.

Sec. 9. The department shall adopt general rules for determining whether an applicant was a resident of this State at the time he entered the service and, by rule, shall prescribe the persons who may execute applications in case of disability or death and the nature of proof to be submitted to establish all facts required under any application filed.

The department shall allow or reject, either in whole or in part, all claims filed under this Act. Written notice of any rejection of a claim, either in whole or in part, shall be served on claimant either personally or by registered mail addressed to the last known address of the claimant and deposited in the United States Mail, and claimant whose claim is so rejected may apply for a review of the determination by the department at any time within one year after the service of notice of rejection and if such application is timely made the determination shall be reviewed by the department.

Sec. 10. All bonus payments under this Act shall be exempt from all taxation and from any pledge, mortgage, sale, assignment or transfer heretofore made of any right, claim or interest in any such bonus shall be void.

Sec. 11. (a) The Department of Military Affairs shall assist persons entitled to a bonus hereunder in the preparation of their applications and claims therefor and all agencies of the State shall cooperate with the Adjutant General to effectuate the purpose and comply with the provisions of this Act.

(b) No agent, attorney or other persons shall demand, to be entitled to or receive any compensation for his services in prosecuting any claim for any bonus under this Act.

Sec. 12. Whosoever makes false or fraudulent statements of a material fact in any application, certificate or document made under the provisions of this Act shall be fined One Thousand ($1,000) Dollars or imprisoned in the penitentiary for not less than one nor more than two years or both.

Sec. 13. Any person who charges or collects or attempts to charge or collect, either directly or indirectly, any fee or other compensation for assisting in any manner a veteran in obtaining any of the benefits to which he is entitled under the provisions of this Act shall be fined not more than Five Hundred ($500) Dollars or imprisoned in the county jail for not more than six months, or both.

Sec. 14. None of the provisions of Sections 3 to 13 of this Act shall become operative unless the amendment proposed by Section 1 of this Act shall be approved by the voters in accordance with Section 256 of the Constitution.

H. B. No. 317. AN ACT relating to county and community fairs.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The University of Kentucky shall furnish free of charge to all county and community fairs that request them, judges for all exhibits of domestic animals, farm products and other related products sponsored by 4-H Clubs, Future Farmers of America and other similar organizations.

By Mr. Horn.

H. Res. No. 36. A RESOLUTION authorizing V. H. McDaniel of Franklin County, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. V. H. McDaniel of Franklin County, Kentucky, be and he is hereby authorized to sue the Commonwealth of Kentucky in the Circuit Court of Franklin County, Kentucky, in an amount

not exceeding One Thousand Dollars ($1,000.00) for damages sustained by him when an escaped convict, Alba McCormick, stole his dodge pick-up Truck, 1941 Model from his farm in Franklin County, Kentucky, and wrecked the same in an escape effort.

2. The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the general fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

3. In event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals.

4. No statement in this Resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth or any of its officers, and this Resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

STATE OF KENTUCKY }
COUNTY OF FRANKLIN } SCT

The affiant, V. H. McDaniel, says that he was the owner of a 1941 Dodge one-half ton truck, and that he resides on a farm about three miles from Frankfort, Kentucky, on the Johnson Road, just off the Lawrenceburg Road in Franklin County, Kentucky, where he kept such truck and used it in his farming operations.

Affiant says that on or about March 9th and 10th, 1947, said truck was stolen from his farm by Alba McCormick, an escaped convict, who had been doing some work around the State Capitol Building, at Frankfort, Kentucky, and which convict had escaped from custody.

Said convict stalled the truck and wrecked it in Woodford County, Kentucky, and it was so damaged and injured in the wreck that it had to be junked, and affiant received for it a sale made to a junk dealer at Lexington, the sum of $180.00.

Affiant says the fair market value of said truck before it was stalled and wrecked was the sum of $1,000.00.

/s/ V. H. McDaniel

Subscribed and sworn to before me by V. H. McDaniel, on this the 11th day of February, 1950.

My commission expires Dec. 31, 1953.

/s/ Nancy L. Duncan

Notary Public, Franklin Co., Ky.

By Mr. Marshall.

H. Res. No. 37. A JOINT RESOLUTION authorizing Alvin Adkins, Paintsville, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, on the 9th day of September, 1947, while Alvin Adkins, of Paintsville, Kentucky, was engaged in the performance of his duties as an employe of the Division of Motor Transportation of the Commonwealth of Kentucky, he suffered an accident which occurred without any negligence on his part, and,

WHEREAS, as a result of such accident, he sustained severe injuries which are alleged to have arisen out of and in the course of his employment, and

WHEREAS, the circumstances surrounding the injury of the said Alvin Adkins were such as to impose a moral obligation upon the Commonwealth:

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Alvin Adkins, of Paintsville, Kentucky, is authorized to sue the Commonwealth of Kentucky in the Johnson County Circuit Court for damages for personal injuries arising out of and

in the course of his employment as an employe of the Commonwealth, for which damages the Commonwealth is morally responsible. Said suit shall be for a sum not in excess of Five Thousand Dollars.

The Attorney General may investigate the claim and may settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals.

The General Assembly hereby recognizes the moral responsibility of the Commonwealth for damages for the injuries of said Alvin Adkins, and in any suit that may be filed under authority of this resolution the jury shall have authority only to fix the amount of such damages.

By Mr. Hollan.

H. Res. No. 38. A RESOLUTION authorizing James Miller to sue the Commonwealth of Kentucky, the Department of Highways, or both.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That said James Miller, Breathitt County, Kentucky, be permitted to sue the Commonwealth of Kentucky or the Department of Highways or both in the Breathitt Circuit Court, for such damages as may be the direct result of the damage to and the deprivation of the use of his property caused by the alleged negligence on the part of the employes of the Department of Highways in the construction and maintenance of Rural Highway No. 52 at or near his property in Breathitt County, Kentucky.

Sec. 2. The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky and may settle same before or after suit is filed if he deem it advisable to do so. Any amount recovered shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer, whether recovered by a suit or by settlement with the Attorney General. This resolution shall not be considered as evidence of negligence upon the part of the Commonwealth of Kentucky, or its employes, and shall not be commented upon by the attorneys for plaintiffs in any manner whatsoever at the trial of said action before a jury. This resolution shall be deemed only authority to bring an action, not admission of negligence. The amount of recovery herein shall be limited to a sum not to exceed $2,500. In the event of suit and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

Ordered that said bills and said resolutions be printed and referred.

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. No. 62. AN ACT relating to the Kentucky State Fair, amending Section 247.130 of the Kentucky Revised Statutes.

H. B. No. 186 AN ACT providing for the repeal and reenactment of KRS 96.250, providing for the election and salaries of officers and appointment and salaries of employees of waterworks in cities of the first class.

H. B. No. 203. AN ACT changing the classification of the City of Walton, in Boone County, and declaring an emergency.

H. B. No. 91. AN ACT relating to city marshals and deputy marshals in cities of the sixth class; amending Section 95.800 of the Kentucky Revised Statutes.

H. B. No. 201. AN ACT to constitute depository libraries and to provide that said libraries shall be supplied with copies of

all reports, publications, and other public books and documents reproduced and distributed at public expense by the department, boards, commissions, officers or other agencies of the Commonwealth.

H. B. No. 7. AN ACT relating to loitering or remaining of minors in premises where alcoholic beverages are sold; prohibiting certain actions and conduct by licensees, parents and guardians, and imposing penalties.

With Committee amendments thereto.

H. B. No. 86. AN ACT relating to publication of newly adopted or revised ordinances, and to the adoption and publication of certain government codes, in cities of the second class under the city manager form of government, amending Section 89.545 of the Kentucky Revised Statutes.

H. B. No. 108. AN ACT relating to alcoholic beverage licenses; amending subsection (1) of Section 243.230 of the Kentucky Revised Statutes.

H. B. No. 8. AN ACT relating to the teaching of first aid in high schools and junior high schools of the public school system.

H. B. No. 60. AN ACT relating to the Teachers' retirement system; providing for membership and eligibility to membership in the retirement system of certain non-instructional.

With a Committee amendment thereto by way of substitute therefor.

Ordered that said bills be read at length the second time.

Mr. Hanratty moved that the Constitutional provisions as to the second reading at length of said bills be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills having been dispensed with, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 121. AN ACT relating to juries in police courts in cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. A new section of the Kentucky Revised Statutes is created to be numbered 29.135 and to read as follows:

In any county containing a city of the second class, the circuit judge, or where the court has divisions, the judge of the common-law and equity division, shall, at the same time that he draws the names of circuit court jurors pursuant to KRS 29.130, draw sufficient additional names to procure a list of twenty-four names of persons resident within the city. This list of twenty-four names shall be certified by the judge who drew them, sealed in an envelope and delivered forthwith to the judge of the police court.

Sec. 2. Subsection (2) of Section 26.400 of the Kentucky Revised Statutes is amended to read as follows:

In cities of the second class, the police court may use a jury in any case, and where the penalty may be a fine of twenty-five dollars or more or imprisonment, other than in commutation of a fine, the accused may, at or before the time the case is called for trial, demand a jury. The judge shall direct any police officer to summons from the list of jurors provided pursuant to KRS 29.135, and at least three days before they are required to appear, such number of jurors as the judge shall

designate. If necessary to provide time to summons jurors the judge shall continue the case. The court shall have the same power of circuit courts to hold or excuse the attendance of jurors. If the court is unable to obtain a jury from the regular jury panel, the judge may order any police officer to summon sufficient bystanders to complete the jury. Police court jurors shall receive the same fees as are paid to circuit court jurors.

Ordered that said bill be read at length the third time.

Mr. Weintraub moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Stanley Carter	W. M. Horn
Edgar Arnett	Paul Combs	Durham W. Howard
Sidney Baer	R. Josh Cosby	Maurice G. Howard
Walter J. Bailey	B. H. Crider	Robern N. Hubbard
C. E. Baumgardner	G. I. Drury	Silas Jacobs
Leonard T. Bean	Thomas R. Duncan	Paul S. Jonas
John D. Beatty	R. C. Estepp, Sr.	Barkley Jones
Fred Beshear	Mitchell S. Fannin	William Jones
R. O. Blevins	C. A. Hammons	James W. Lambert
L. E. Bradley	James P. Hanratty	Jesse H. Lawrence
Thomas L. Britton	John A. Head	Mrs. J. T. Linton
Charles J. Bronston	Harold G. Helm	Homer E. Losey
J. D. Buckman, Jr.	William K. Henry	A. L. (Chick) Love
Mrs. M. E. Burnett	Woodrow W. Hollan	Harry K. Lowman
Charles W. Burnley	Chester J. Holsclaw	True Mackey

Damon Majors	James H. Polsgrove	Mrs. Thelma Stovall
John Martin	Leonard W. Preston	W. R. Stringer
Wm. T. Marshall	W. R. Reasor	M. G. Thompson
G. Lee McClain	Carl J. Ruh	Rev. T. Herbert Tinsley
Jack McPherron	Amos Runyan	Ralph N. Walter
Archie R. Moore	LeRoy Saylor	Harry Lee Waterfield
Emmett G. Moore	Roy Searcy	Lyle H. Webb
Walter R. Moorman	Paul E. Shannon	Morris Weintraub
Fred H. Morgan	Gus Sheehan, Jr.	G. F. Williamson
C. S. Nabb	Joseph T. Snapp	Charles W. Wirsch
Dr. C. E. Palmore	John M. Spaulding	

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Resolved that the title thereof be as aforesaid.

Mr. Weintraub moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 177. AN ACT relating to cities of the second class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any member of a board or commission of a city of the second class operating under the commission form of government appointed by the mayor or by the board of commissioners shall be removable by and at the pleasure of a majority of the board of commissioners, any provision of law to the contrary notwithstanding.

Mr. Spaulding moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Spaulding moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	C. A. Hammons	True Mackey
Edgar Arnett	James P. Hanratty	Damon Majors
Walter J. Bailey	George F. Harris	G. Lee McClain
Leonard T. Bean	Paul E. Hayes	Jack McPherron
John D. Beatty	John A. Head	Walter R. Moorman
Fred Beshear	Harold G. Helm	Fred H. Morgan
R. O. Blevins	William K. Henry	C. S. Nabb
L. E. Bradley	Ray Holbrook	James H. Polsgrove
Thomas L. Britton	Woodrow W. Hollan	Hobart Rayburn
Charles J. Bronston	Chester J. Holsclaw	W. R. Reasor
J. D. Buckman, Jr.	W. M. Horn	Carl J. Ruh
Mrs. M. E. Burnett	Maurice G. Howard	Amos Runyan
Charles W. Burnley	Robert N. Hubbard	Dr. Roy Sanders
Stanley Carter	Silas Jacobs	Roy Searcy
Paul Combs	Paul S. Jonas	Paul E. Shannon
B. H. Crider	Barkley Jones	Gus Sheehan, Jr.
Owen Deering	William Jones	Jesse H. Shelton
G. I. Drury	James W. Lambert	John M. Spaulding
Thomas R. Duncan	Jesse H. Lawrence	Roy Steers
R. C. Estepp, Sr.	Mrs. J. T. Linton	Raymond D. Stigall
Henry C. Hale	A. L. (Chick) Love	Mrs. Thelma Stovall

W. R. Stringer	Ralph N. Walter	George F. Williamson
M. G. Thompson	Fred M. Warns	Charles W. Wirsch
Rev. T. Herbert Tinsley	Lyle H. Webb	
	Morris Weintraub	—72

There voted in the negative—
Leonard W. Preston —1

Resolved that the title thereof be as aforesaid.

Mr. Spaulding moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Baer moved that the rules be suspended and leaves of absence be granted to Messrs. Bradley, Bridgers, Calvert, Shaw and Smith.

Said motion was agreed to.

The Speaker announced that he had referred bills and resolutions heretofore introduced as follows, viz:

H. B. No. 258—Committee on Motor Transportation No. 1
H. B. No. 259—Committee on Cities of the First Class
H. B. No. 260—Committee on Oils and Minerals
H. B. No. 261—Committee on Revenue and Taxation No. 1
H. B. No. 262—Committee on Public Health
H. B. No. 263—Committee on Statutes No. 1
H. B. No. 264—Committee on Courts
H. B. No. 265—Committee on Cities of Fourth Class
H. B. No. 266—Committee on Revenue and Taxation No. 1
H. B. No. 267—Committee on Statutes No. 1
H. B. No. 268—Committee on Cities of First Class
H. B. No. 269—Committee on Education No. 1
H. B. No. 271—Committee on Statutes No. 1

H. B. No. 272—Committee on Public Health
H. B. No. 273—Committee on Public Health
H. B. No. 274—Committee on Statutes No. 1
H. B. No. 275—Committee on Appropriations
H. B. No. 276—Committee on Alcoholic Control No. 1
H. B. No. 277—Committee on Education No. 1
H. B. No. 278—Committee on Cities of First Class
H. B. No. 279—Committee on Statutes No. 1
H. B. No. 280—Committee on Statutes No. 1
H. B. No. 281—Committee on Statutes No. 1
H. B. No. 282—Committee on Statutes No. 1
H. B. No. 283—Committee on Revenue and Taxation No. 1
H. B. No. 284—Committee on Statutes No. 1
H. B. No. 285—Committee on Statutes No. 1
H. B. No. 286—Committee on Statutes No. 1
H. B. No. 292—Committee on Statutes No. 1
H. B. No. 293—Committee on Conservation
H. B. No. 294—Committee on Statutes No. 1
H. B. No. 295—Committee on Public Health
H. B. No. 296—Committee on Statutes No. 1
H. B. No. 297—Committee on Statutes No. 1
H. B. No. 298—Committee on Cities of Second Class
H. B. No. 299—Committee on Statutes No. 1
H. B. No. 300—Committee on Education No. 2
H. B. No. 301—Committee on Education No. 2
H. B. No. 302—Committee on Education No. 1
H. B. No. 303—Committee on Statutes No. 1
H. B. No. 304—Committee on Agriculture No. 1
H. B. No. 305—Committee on Mines and Mining
H. B. No. 306—Committee on Revenue and Taxation No. 1
H. B. No. 307—Committee on Revenue and Taxation No. 1

H. B. No. 308—Committee on Education No. 1

H. Res. No. 30—Committee on Claims

H. Res. No. 31—Committee on Claims

H. Res. No. 32—Committee on Claims

H. Res. No. 33—Committee on Claims

H. Res. No. 34—Committee on Claims

H. Res. No. 35—Committee on Claims

Mr. Hanratty moved that the House do now adjourn to meet again at 1 o'clock, p.m., Wednesday, February 15, 1950.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, FEBRUARY 15, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by the Reverend William P. Wilhoyte, pastor of the Church of the Nazarene, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams	Edward O. Bridgers	Thomas R. Duncan
Bill Adams	Thomas L. Britton	R. C. Estepp, Sr.
Edgar Arnett	Charles J. Bronston	Mitchell S. Fannin
Sidney Baer	J. D. Buckman, Jr.	Henry C. Hale
Walter J. Bailey	Mrs. M. E. Burnett	C. A. Hammons
Clarence J. Barnum	Charles W. Burnley	James P. Hanratty
C. E. Baumgardner	Stanley Carter	George F. Harris
Leonard T. Bean	Paul Combs	Paul E. Hayes
John D. Beatty	R. Josh Cosby	John A. Head
Fred Beshear	B. H. Crider	Harold G. Helm
R. O. Blevins	Owen Deering	William K. Henry
L. E. Bradley	G. I. Drury	E. R. Hilton

Ray Holbrook	William T. Marshall	Gus Sheehan, Jr.
Woodrow W. Hollan	G. Lee McClain	Jesse H. Shelton
Chester J. Holsclaw	Jack McPherron	Joseph T. Snapp
W. M. Horn	Alton Mitchell	John M. Spaulding
Richard R. Houpt	Archie F. Moore	J. Claude Stacy
Durham W. Howard	Emmett G. Moore	Roy Steers
Maurice G. Howard	Walter R. Moorman	Raymond D. Stigall
Robert N. Hubbard	Fred H. Morgan	Mrs. Thelma Stovall
Silas Jacobs	C. S. Nabb	W. R. Stringer
Paul S. Jonas	Dr. C. E. Palmore	Egbert V. Taylor
Barkley Jones	James H. Polsgrove	M. G. Thompson
William Jones	Leonard W. Preston	Rev. T. H. Tinsley
James W. Lambert	Hobart Rayburn	Ralph N. Walter
Jesse H. Lawrence	W. R. Reasor	Fred M. Warns
Mrs. J. T. Linton	Carl J. Ruh	Harry Lee Waterfield
Homer E. Losey	Amos Runyan	Lyle H. Webb
A. L. (Chick) Love	Dr. Roy Sanders	Morris Weintraub
Harry K. Lowman	LeRoy Saylor	G. F. Williamson
True Mackey	Roy Searcy	Charles W. Wirsch
Damon Majors	Paul E. Shannon	Adron Doran,
John Martin	James S. Shaw	Speaker

Mr. Baer moved that leaves of absence be granted to Messrs. Calvert and Smith.

Said motion was agreed to.

Mr. Harris moved that the reading of the Journal of the proceedings of Tuesday, February 14, 1950, be dispensed with, and the same be approved.

Said motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a bill of the following title, viz:

H. B. No. 92. AN ACT relating to the Adjutant General.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be

correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bill to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bill duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that said bill be delivered by the Chief Clerk to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Cosby moved that the rules be suspended and the privilege of the floor extended to Mr. W. E. Newbolt.

Said motion was unanimously agreed to.

Mr. Snapp moved that the rules be suspended and the privilege of the floor extended to Mr. R. E. McConnell.

Said motion was unanimously agreed to.

Mr. Mackey moved that the rules be suspended and the privilege of the floor extended to Mr. W. T. McConnell.

Said motion was unanimously agreed to.

Mr. Waterfield moved that the rules be suspended and the privilege of the floor extended to Mr. Glenn Lane.

Said motion was unanimously agreed to.

Mr. Hollan moved that the rules be suspended and the privilege of the floor extended to Judge William Turner.

Said motion was unanimously agreed to.

Mr. McPherron moved that the rules be suspended and the privilege of the floor extended to Mr. Raymond Acree.

Said motion was unanimously agreed to.

Mrs. Linton moved that the rules be suspended and the privilege of the floor extended to Mrs. Harry Spillman, and Mrs. Virginia Malone.

Said motion was unanimously agreed to.

Mr. Hollan moved that the rules be suspended and the privilege of the floor extended to Mr. Ollie Y. Watkins.

Said motion was unanimously agreed to.

Mr. Warns moved that the rules be suspended and the privilege of the floor be extended to Mrs. Walker Teacher, Mrs. Leona Guttermuth and Mr. Clay Teacher.

Said motion was unanimously agreed to.

Resolutions and bills of the following titles were introduced, viz:

By Mr. Hanratty.

H. Res. No. 39. A JOINT RESOLUTION providing for the purchase and distribution of copies of the Kentucky Directory, 1950 Edition.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Librarian shall purchase copies of the "Kentucky Directory 1950," in the same quantity, for the same price, and under the same terms and conditions, and distribute the copies in the same manner and to the same persons and places, as provided in Chapter 269 of the Acts of 1948 for the 1948 Kentucky Directory. Payment therefor shall be made out of the sum appropriated for that purpose for the 1950-1951 fiscal year.

By Messrs. Baer, Hayes, Holsclaw, Bridgers, Baumgardner, Barnum, Tinsley, Bean, Moorman and Head.

H. Res. No. 40. A JOINT RESOLUTION providing for a complete and thorough study and survey of Child Welfare in Kentucky including existing laws relating thereto with a view of preparing a proposed Children's Code to coordinate and revise existing laws and regulations and study needs for remedial legislation in order to provide Kentucky with an effective Children's Code; and appropriating funds for the purpose.

Said resolution is as follows, viz:

WHEREAS, during the history of the Commonwealth various laws have passed which affected the children; and

WHEREAS, some of these Statutes are now obsolete, obscure, and contradictory and do not meet the needs of present conditions; and

WHEREAS, many thousands of dollars of tax-supported funds are being expended by the various, and many times uncoordinated agencies; and

WHEREAS, there is a real need for proper coordination of various children's services and a redefining of the objectives;

NOW, THEREFORE

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission be and is hereby authorized and directed to make and conduct a thorough survey of Child Welfare in Kentucky, including existing laws relating thereto together with such recommendations and changes in administrative organization, regulations or laws as may be needed to provide a complete up-to-date Children's Code for the Commonwealth.

The Governor shall appoint an Advisory Citizens Committee on Child Welfare to be composed of not less than seven (7)

and not more than eleven (11) members. This Committee shall be appointed from outstanding citizens representing various groups interested in Child Welfare and with knowledge of the problems involved. This Committee shall work in close co-operation with the Legislative Research Commission or such a sub-committee as may be appointed for this particular research project and advise with the Commission and its research staff concerning child welfare problems in the State. This advisory committee on child welfare will continue in existence until March 31, 1952 whereupon its existence shall cease.

The members of the Advisory Committee on Child Welfare shall serve without pay except for actual necessary traveling expenses, including board and lodging, in accord with state regulations, incurred in attending meetings of the Committee or otherwise incurred in the performance of their duties.

On or before December 1, 1951, the Legislative Research Commission shall report to the members of the General Assembly and to the Governor of the Commonwealth the results of the study and survey together with such recommendations as the Commission shall deem it desirable.

There is hereby appropriated out of the General Expenditure Fund in the State Treasury to the Legislative Research Commission the sum of Ten Thousand Dollars ($10,000) for the 1950-1951 fiscal year and Ten Thousand Dollars ($10,000) for the 1951-1952 fiscal year to be used for additional expenditures for this specific research project and the Advisory Citizens Committee over and above its normal staff and current appropriation.

By Messrs. Saylor and Crider.

H. Res. No. 41. A RESOLUTION electing on behalf of the Department of Conservation, the Division of Forestry, and of the Commonwealth of Kentucky to operate under the provisions of the Workmen's Compensation Act insofar as the employment of Luther E. Sowders was concerned; and authorizing the filing of a claim with the Workmen's Compensation Board; Directing that a hearing be held by said board to ascertain whether Luther E. Sowders was at the time of his death an

employee of the Department of Conservation, Division of Forestry or of the Commonwealth of Kentucky, and to determine whether he met his death as a result of an accident out of and in the course of his employment by the Commonwealth of Kentucky or a Division or Agency thereof, and providing for the payment of benefits to his widow if awarded by the Workmen's Compensation Board.

Said resolution is as follows, viz:

WHEREAS, on June 23, 1948, and for a long time prior thereto, Luther E. Sowders was an employee of the Division of Forestry in the Department of Conservation of the Commonwealth of Kentucky, and was assigned as a guard and as a part of his duties he was required to drive a motor vehicle known as a Dodge Weapon Carrier, license No. T8-701, and,

WHEREAS, on or about June 23, 1948, while the said Luther E. Sowders was on duty in the regular course of his employment, the motor vehicle which he was driving, and which was not in a good state of repair, left the highway at a point about two miles west of the Ranger's Headquarters, skidded and turned over against a pine tree crushing the roof of the wooden cab so that Luther E. Sowders, the driver, was fatally injured and as the direct and approximate result of said injuries he died on or about the 29th day of June, 1948, and,

WHEREAS, said Luther E. Sowders at the time of and prior to said accident had been in good health, free of any maladies or disabilities, and had been regularly employed, and,

WHEREAS, there was left surviving him his widow, Sally Sowders, and four infant children, namely, Edward S. Sowders, now six years of age; Betty J. Sowders, now four years of age; Arthur Lee Sowders, now three years of age, and Bobby Sowders, now two years of age, and each of whom are dependant upon their mother for support, maintenance, and education, and,

WHEREAS, the widow, Sally Sowders, devoted her full time during her marriage to Luther E. Sowders to managing their home and looking after and caring for their children and

did not accept employment of any kind and did not undertake to train herself for any type of gainful employment and is now without means of adequately or at all supporting her children or herself, and,

WHEREAS, Luther E. Sowders was unable to and did not accumulate any substantial estate during his lifetime, and,

WHEREAS, Sally Sowders lost her husband and her four infant children lost their father as a result of the accidental injuries sustained by him which arose out of and in the course of his employment by the Division of Forestry, Department of Conservation of the Commonwealth of Kentucky, and,

WHEREAS, many of the departments and agencies of the Commonwealth of Kentucky and their employees have operated and are now operating under the provisions of the Workmen's Compensation Act, and,

WHEREAS, the Division of Forestry, the Department of Conservation, and the Commonwealth of Kentucky have a moral obligation to compensate the widow of the decedent and her infant children by reason of the death of Luther E. Sowders,

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Department of Conservation, the Division of Forestry, and the Commonwealth of Kentucky hereby elect to accept and avail themselves of the provisions of the Workmen's Compensation Act insofar as the employment of Luther E. Sowders is and was concerned, and the Workmen's Compensation Board hereby is authorized and directed to permit Sally Sowders to file a claim for compensation with said Board within twelve months from the effective date of this Resolution.

Section 2. The Workmen's Compensation Board hereby is authorized and directed to conduct a hearing and to ascertain whether Luther E. Sowders was an employee of the Division of Forestry, Department of Conservation, and of the Commonwealth of Kentucky at the time he sustained the accidental in-

juries which resulted in his death and whether he sustained such injuries as the result of an accident arising out of and in the course of his employment and whether he died as a result of such injuries. If the Workmen's Compensation Board as a result of such hearing determines that Luther E. Sowders was employed by the Division of Forestry, Department of Conservation of the Commonwealth of Kentucky, and that he sustained injuries from an accident arising out of and in the course of his employment, and that as a result thereof he died, the Board is authorized and directed to award to his widow, Sally Sowders, the compensation to which she is entitled under the present provisions of the Workmen's Compensation Act.

Section 3. Should the Workmen's Compensation Board determine that it is for the best interest of either party, it may order that the compensation awarded to Sally Sowders be paid in a lump sum. The order of the Workmen's Compensation Board awarding compensation to Sally Sowders shall be certified by said Board to the Commissioner of Finance who hereby is authorized and directed to draw his warrant or warrants in payment thereof upon the State Treasurer, and the same shall be paid out of the General Fund or out of any other funds in the State Treasury not otherwise appropriated.

By Mr. Love.

H. Res. No. 42. A JOINT RESOLUTION authorizing W. A. "Bud" Mitchell, Administrator of the estate of Julius Cummins, deceased, to sue the Commonwealth of Kentucky and the Department of Welfare, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That W. A. "Bud" Mitchell, Administrator of the estate of Julius Cummins, deceased, is authorized to sue the Commonwealth of Kentucky and the Department of Welfare, or either, in the Lyon Circuit Court, for damages resulting from the death of Julius Cummins in a motor vehicle collision, caused by alleged

negligence on the part of an inmate of the Kentucky State Penitentiary while said inmate was in the custody of and acting as an agent for, the Department of Welfare and the Comonwealth of Kentucky. This suit shall be for a sum not in excess of $3,000.

The Attorney General may investigate the claim herein referred to and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the court or jury as an admission of neglect upon the part of the Commonwealth or the Department of Welfare and this Resolution shall not be introduced as evidence or commented upon by counsel in argument to the jury.

By Mr. Morgan.

H. B. No. 318. AN ACT relating to policemen's and firemen's pension funds in cities of the second and third classes; amending Sections 95.550, 95.560, 95.580 and 95.610 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 95.550 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The pensions paid for disability or death from the policemen's and firemen's pension fund in cities of the second and third classes shall be as follows:

(a) If any member of the police or fire department becomes temporarily totally disabled, physically or mentally, while in the performance of duty and by reason of service in

the department, the board of trustees of the pension fund shall order paid to him monthly, during his disability but not longer than one year, a sum of not more than sixty dollars per month, the amount to be determined by the board. This provision shall not apply if a salary is paid during the same period.

(b) If any member of the police or fire department becomes permanently disabled, physically or mentally, while in the performance of duty and by reasons of service in the department, so as to render necessary retirement from service in the department, the board of trustees shall retire him from service and order paid to him monthly fifty percent of his monthly salary at the time of his retirement.

(c) If any member of the police or fire department is killed or dies as the result of an injury received in the performance of duty, or dies of any disease contracted by reason of his occupation, or dies in service or while on the retired list from any cause after fifteen consecutive years of service in the department, and leaves a widow or a child under eighteen years of age, the board of trustees shall order a pension paid to the widow or child. There shall be paid monthly to the widow, while unmarried, a pension of fifty dollars, and for each child until it reaches the age of eighteen years ten dollars. If the deceased member was unmarried and childless, a pension shall be paid to his dependent father and mother of forty dollars per month. If one parent is dead, the other shall receive the entire pension, and if both are living, each shall receive one-half of the pension.

(2) No pensions or benefits shall be paid from the policemen's and firemen's pension fund on account of such disability or death as provided in this section.

Sec. 2. Section 95.560 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) In cities of the second and third classes the pensions or benefits paid from pension funds on retirement shall be as follows:

(a) Any member of the police or fire department having served twenty years or longer and the last five years

thereof consecutively, may petition the board of trustees of the pension fund for retirement, and upon it being established that he is reasonably entitled to retirement the board shall order paid to him monthly fifty percent of his monthly salary at the time of retirement.

(b) Any member having served fifteen years and the last five years thereof consecutively, and who has become so disabled as to render him unfit for service in the department, may on proof of his disability, petition the board of trustees for retirement, and upon a showing that he is reasonably entitled to retirement the board shall order paid to him monthly fifty percent of his monthly salary at the time of retirement.

(c) Any member having served twenty years or longer and who has attained the age of sixty-three years shall be retired from service by the board of trustees, and the board shall order paid to him monthly fifty percent of his monthly salary at the time of retirement.

(2) Any member having served five years or longer who is not eligible for a pension under KRS 95.550 or under any of the foregoing provisions of this section and who has incurred any disability, not caused or induced by the actual performance of his duties or by his own negligence, which prevents him from performing his duties and impairs his earning capacity, may petition the board for retirement, and upon a showing that he is reasonably entitled to retirement the board shall order paid to him a monthly pension in an amount to be fixed by the board of trustees. The board of trustees may increase or decrease such monthly benefits whenever in their opinion the degree of impairment of the recipient's earning capacity warrants an increase or decrease, but in no event shall the monthly benefit paid to such person exceed three percent of his monthly salary at the time of his retirement, multiplied by the number of full years he was in active service, or fifty percent of his monthly salary at the time of his retirement, whichever is the smaller.

(3) The benefits provided for in this section, except those provided for in subsection (2), shall accrue to any member who, within the twelve months immediately preceding March

10, 1938, was forced to retire from service in the police or fire department by reason of disability.

Sec. 3. Section 95.580 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The policemen's and firemen's pension fund in cities of the second and third classes shall consist of:

(a) The proceeds of an annual tax, which may be levied by the city legislative body, of not less than two cents nor more than eight cents on each one hundred dollars in value of taxable property.

(b) All rewards, fees, gifts and emoluments paid or given on account of extraordinary service of any member of the police or fire department.

(c) Assessments, which the board of trustees of the pension fund shall make, upon each member of the police and fire departments, of not more than three percent of his salary to be withheld from the monthly salary and paid by the city treasurer into the pension fund.

(d) Such sums as the city legislative body may appropriate to the pension fund under KRS 95.610 (3).

(2) Both the principal and interest of the pension fund shall be applicable to the payment of pensions in cities of the second and third classes.

Sec. 4. Section 95.610 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The officers of cities of the second and third classes designated by law to draw warrants on the city treasurer, shall, on request in writing by the board of trustees of the pension fund, draw warrants on the city treasurer payable to the treasurer of the board of trustees of the pension fund for all funds belonging to the pension fund.

(2) Moneys ordered paid from the pension fund to any person shall be paid by the treasurer of the board of trustees only upon warrant signed by the president of the board and

countersigned by the secretary. No warrant shall be drawn except by order of the board of trustees duly entered on the records of the proceedings of the board.

(3) If at any time there is not sufficient money in the pension fund of a city of the second or third classes to pay each beneficiary the full amount per month to which he is entitled, the city legislative body shall appropriate to the pension fund from the general fund of the city sufficient money to enable payment in full to be made to all beneficiaries.

Sec. 5. The provisions of this Act are separable, and if any provision, section, subsection, paragraph, sentence or part thereof, or the application thereof to any person shall be held unconstitutional or invalid, such holding shall not affect or impair the remainder of this Act, it being the legislative intent to enact each provision, section, subsection, paragraph, sentence and part thereof separately and independently of each other.

By Mr. Steers.

H. B. No. 319. AN ACT relating to collection of school taxes, amending section 160.500 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 160.500 of the Kentucky Revised Statutes is amended to read as follows:

(1) School taxes shall be collected by the regular tax collectors for the tax levying authorities that make the school levies for the various school districts, at the same time and in the same manner as other local taxes are collected, except as provided in this section and in KRS 160.510. The bond of the regular tax collector shall be made to cover his duties as the tax collector of the school district or districts for which he collects taxes. The tax collector shall be entitled to a fee at the rate of two percent for the collection of school taxes, which fee may be charged only for collecting or receiving school taxes or school funds received

from the local school levy. No allowance shall be made for the collection of school taxes to any collecting officer who continues to collect taxes after his term that would not be allowed him had he collected the taxes during his term.

(2) An independent school district may select a special tax collector to collect its school taxes, and in the event such independent school district does so select a special tax collector, a majority of the members of the independent school district board of education shall fix a fee for such special tax collector at a rate of not more than two percent of the school taxes or school funds collected by such special tax collector from the local school levy in such independent school district. The special tax collector shall be required to execute bond in the same manner as provided in KRS 160.560 for the execution of a treasurer's bond, and the penal sum of the bond shall not be less than the aggregate of the tax bills that come into the hands of the special tax collector.

(3) The clerk shall include all school taxes on the regular tax bills furnished the tax collector except in case an independent district has selected a special tax collector, in which case the school taxes shall be listed by the clerk on a separate bill. The clerk shall be allowed a fee not to exceed three cents for each separate school tax bill, to be paid by the independent district board of education.

By Messrs. Runyan and Sanders.

H. B. No. 320. AN ACT to create a Court of continuous session in the Thirty-Fifth Judicial District composed of Pike County alone.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Circuit Court in Pike County, which County constitutes the separate Thirty-Fifth Judicial District, shall be a Court of continuous session.

By Messrs. Runyan and Sanders.

H. B. No. 321. AN ACT relating to the incorporation of cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 81.040 of the Kentucky Revised Statutes is amended to read as follows:

No city may be incorporated unless at least 125 inhabitants reside within the boundaries proposed to be established for the city. The boundary of any city, when incorporated, shall not exceed the equivalent of one square mile, except that any incorporated taxing district having by its charter a grant of municipal powers and exercising them, and having at least 250 inhabitants residing within the boundary proposed to be established for the city, may be incorporated as a city with its present territorial boundaries.

By Mr. Searcy.

H. B. No. 322. AN ACT relating to the licensing of farm trucks, amending subsection (4) of Section 186.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (4) of Section 186.050 of the Kentucky Revised Statutes is amended to read as follows:

(4) Any farmer owning a truck having a gross weight of 22,000 pounds or less may have it registered as a farmer's truck and obtain a license for $4.50 by filing with the county clerk, in addition to other information required, an affidavit, stating that

he is a farmer engaged solely in the production of crops, livestock or dairy products, that he owns a truck of the gross weight of 22,000 pounds or less, that he has caused to be printed upon each side of the bed of the truck the words "Farmer's Truck" in conspicuous letters not less than three inches in height, and that during the next twelve months the truck will be used only in transporting persons, food, provender, feed and machinery used in operating his farm and in transporting the products and livestock owned by him or grown on his farm.

Ordered that said resolutions and said bills be printed and referred.

The Committees to which the same had been referred reported bills and resolutions as follows, viz:

By Mr. Burnley of the Committee on Ways and Means.

S. B. No. 3. AN ACT to amend chapter 324 of Kentucky Revised Statutes relating to real estate brokers and salesmen by adding thereto provisions regulating the qualifications of and examinations for applicants of licenses of real estate brokers and salesmen.

H. B. No. 159. AN ACT authorizing cities to lease space on parking meter posts for purposes of advertising, and providing for disposition of the proceeds realized therefrom.

H. B. No. 4. AN ACT relating to representative districts, with particular relation to the ninety-fifth district.

H. B. No. 61. AN ACT relating to compensation of commissioners serving on fiscal courts in counties having a fiscal court composed of the county judge and three commissioners.

By Mr. Williamson of the Committee on Claims.

H. Res. No. 37. A JOINT RESOLUTION authorizing Alvin Adkins, of Paintsville, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 34. A JOINT RESOLUTION authorizing J. L. Collins and I. E. Patterson, individually, and as partners, doing business as Central Kentucky Gas Company, and Henry Ray and Frances Lee Ray, to sue the University of Kentucky and/or the Trustees of the University of Kentucky.

H. Res. No. 9. A RESOLUTION appropriating from the General Fund the sum of One Hundred and twenty-seven Dollars and fifty cents ($127.50) to pay a claim for services rendered by F. J. Alsop of Hawesville, Kentucky, in making a survey of abandoned coal mines in Hancock County.

H. Res. No. 26. A RESOLUTION authorizing Philip Thompson to sue the Commonwealth of Kentucky.

By Mr. Steers of the Committee on Cities of the Fourth Class.

S. B. No. 49. AN ACT changing the classification of the City of Richmond, in Madison County, and declaring an emergency to exist.

H. B. No. 215. AN ACT changing the classification of the City of London, in Laurel County.

H. B. No. 206. AN ACT relating to election of council members in cities of the fourth class not having a commission or city manager form of government.

By Mr. Hilton of the Committee on Suffrage and Elections.

H. B. No. 123. AN ACT relating to elections, including all the elections provided for by Chapter 89 of the Kentucky Revised Statutes.

H. B. No. 255. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are to be open, and the hour the board of election commissioners shall meet for the purpose of counting the ballots.

H. B. No. 231. AN ACT relating to the purgation of voters.

H. B. No. 218. AN ACT relating to qualification, registration and purgation of voters.

H. B. No. 219. AN ACT to amend and reenact Section 126.160 and Section 126.170 and Section 126.990, Kentucky Revised Statutes, relating to absent voting, providing for form of application for ballots, affidavits, verification of registration, preservation of applications for all absentee voters' ballots, registration of applicants in Armed Forces, and providing a penalty for the violation thereof.

With the expression of opinion that same should pass.

Whereupon, said bills and said resolutions were each and severally read at length for the first time and

Ordered placed in the Calendar.

Mr. Polsgrove moved that the rules be suspended for the purpose of introducing bills.

Said motion was agreed to by a majority of the members elected.

Thereupon, bills of the following titles were introduced, viz:

By Mr. Polsgrove.

H. B. 323. AN ACT relating to the issuance of licenses for the sale of alcoholic beverages in cities of the first class; regulating the hours of business thereof, and repealing statutes in conflict herewith.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A license for the sale of alcoholic beverages at retail may be issued for any premises not located on the ground floor or street

level in a business section of a city of the first class, when said section has been designated by the governing body of a first-class city to be the "business section" of such city, regardless of the nearness of the premises sought to be licensed to a church or house of worship; provided, however, that the licensee hereunder shall not be open for busines during the regular hours of worship of the church nearest the licensed premises.

Any statute, or any part thereof, in conflict herewith is hereby repealed.

H. B. No. 324. AN ACT prohibiting the establishment, development and operation of carbide, sulphuric and lime plants within ten miles of city limits of first class cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. It shall be unlawful for any person to build, erect, establish, develop or operate thereafter, any kind of plant, firm, corporation or business from which carbide, lime or sulphuric dust, ashes or odors may emit from the operation thereof, within ten miles from the city limits of a city of the first class.

2. Any resident of a city of the first class may prevent the building, erection or establishment of such a plant by injunction proceedinges instituted in the Circuit Court of the County containing the first class city.

3. Any person who continues to violate sub-section one of this Act after an order to restrain or prohibit same has been entered by the Circuit Court having jurisdiction hereof, shall be fined not less than One Hundred Dollars ($100.00) per day for each day the violation continues; each day to constitute a separate offense.

By Mr. Bean.

H. B. No. 325. AN ACT protecting every individual's right to work and making unlawful the use of force or violence or

threats thereof to prevent or attempt to prevent any person from engaging in any lawful vocation and providing penalties for the violation thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. It shall be unlawful for any person by the use of force or violence, or threat of the use of force or violence, to prevent or attempt to prevent any person from engaging in any lawful vocation within this State. Any person guilty of violating this section shall be deemed guilty of a felony, and upon conviction thereof shall be punished by confinement in the State Penitentiary for not less than one (1) year, nor more than two (2) years.

SECTION 2. It shall be unlawful for any person acting in concert with one or more other persons, to assemble at or near any place where a "labor dispute" exists and by force or violence prevent or attempt to prevent any person from engaging in any lawful vocation, or for any person acting either by himself, or as a member of any group or organization or acting in concert with one or more other persons, to promote, encourage or aid any such unlawful assemblage. Any person guilty of violating this section shall be deemed guilty of a felony, and upon conviction thereof shall be punished by confinement in the State Penitentiary for not less than one (1) year, nor more than two (2) years.

SECTION 3. The term "labor dispute" as used in this Act shall include any controversy between an employer and two (2) or more of his employees concerning the terms or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment.

SECTION 4. If any section, paragraph, clause, or provision of this Act is declared unconstitutional, inoperative or in-

valid by any Court of competent jurisdiction, the same shall not affect or invalidate the remainder of this Act.

By Messrs. Hubbard, Preston and Buckman.

H. B. No. 326. AN ACT relating to the terms of court in the Tenth Judicial District.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The introductory clause and subsection (10) of Section 23.050 of the Kentucky Revised Statutes are amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(10) Barren County, at Glasgow, on the first Monday in January, twenty-four juridical days; on the fourth Monday in April, eighteen juridical days; on the first Monday in September, twenty-four juridical days.

Bullitt County, at Shepherdsville, on the second Monday in April, the third Monday in July, and the first Monday in December, twelve juridical days each.

Hart County, at Munfordville, on the first Monday in February, the third Monday in May and the first Monday in October, twelve juridical days each.

Larue County, at Hodgenville, on the third Monday in February, the first Monday in June, and the third Monday in October, twelve juridical days each.

Metcalfe County, at Edmonton, on the fourth Monday in March and the first Monday in July, twelve juridical days each; on the fourth Monday in November, six juridical days.

Nelson County, at Bardstown, on the first Monday in March, the third Monday in June, and the second Monday in November, twelve juridical days each.

Sec. 2. This Act shall take effect on August 1, 1950.

Ordered that said bills be printed and referred.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 165. AN ACT relating to Civil Practice and Procedure and particularly the Code of Practice in civil cases; providing for a Civil Code Committee and additional powers and duties of the Statute Revision Commission; and making an appropriation.

Mr. Hayes moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 122. AN ACT relating to the taking of depositions in a criminal case, amending Section 153 of the Criminal Code of Practice.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

If it appear by affidavit that a material witness is about to leave this State without the procurement or consent of the defendant, or is physically unable to attend for examination in court; or that his death is apprehended; or that he is a nonresident of this State, and beyond the reach of the process of the court, the defendant may take his deposition upon reasonable notice to the attorney for the Commonwealth and said deposition shall be taken in all respects as is prescribed by the Civil Code in taking depositions in civil cases.

Mr. Weintraub moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Weintraub moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bills in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Mrs. M. E. Burnett	William K. Henry
Bill Adams	Charles W. Burnley	E. R. Hilton
Edgar Arnett	Stanley Carter	Ray Holbrook
Sidney Baer	Paul Combs	Woodrow W. Hollan
Walter J. Bailey	R. Josh Cosby	W. M. Horn
Clarence J. Barnum	B. H. Crider	Durham W. Howard
C. E. Baumgardner	Owen Deering	Maurice G. Howard
Leonard T. Bean	G. I. Drury	Paul S. Jonas
John D. Beatty	R. C. Estepp, Sr.	Barkley Jones
Fred Beshear	Mitchell S. Fannin	James W. Lambert
R. O. Blevins	Henry C. Hale	Jesse H. Lawrence
L. E. Bradley	C. A. Hammons	Mrs. J. T. Linton
Edward O. Bridgers	George F. Harris	Homer E. Losey
Thomas L. Britton	Paul E. Hayes	A. L. (Chick) Love
Charles J. Bronston	John A. Head	Damon Majors
J. D. Buckman, Jr.	Harold G. Helm	John Martin

William T. Marshall	Amos Runyan	Mrs. Thelma Stovall
Jack McPherron	Dr. Roy Sanders	W. R. Stringer
Alton Mitchell	LeRoy Saylor	Egbert V. Taylor
Archie R. Moore	Roy Searcy	M. G. Thompson
Emmett G. Moore	Paul E. Shannon	Rev. T. H. Tinsley
Walter R. Moorman	James S. Shaw	Ralph N. Walter
C. S. Nabb	Gus Sheehan, Jr.	Fred M. Warns
Dr. C. E. Palmore	Jesse H. Shelton	Harry Lee Waterfield
James H. Polsgrove	John M. Spaulding	Lyle H. Webb
Leonard W. Preston	J. Claude Stacy	Morris Weintraub
Hobart Rayburn	Roy Steers	G. F. Williamson
W. R. Reasor	Raymond D. Stigall	Charles W. Wirsch
Carl J. Ruh		—85

There voted in the negative—

Silas Jacobs —1

Resolved that the title thereof be as aforesaid.

Mr. Weintraub moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 148. AN ACT amending Sections 176.260 and 176.270 of the Kentucky Revised Statutes relating to the fiscal year for the Department of Highways and the State Road Fund.

With Committee amendment thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 176.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fiscal year for the Department of Highways which commences on April 1, 1950, shall be extended up to and in-

cluding June 30, 1951, and thereafter the fiscal year for the Department shall begin July 1, and end June 30.

Section 2. Section 176.270 of the Kentucky Revised Statutes is repealed and re-enacted to read as follows:

(1) On or before June 1, of each year beginning with the year 1951, the Department of Revenue shall furnish to the Department of Highways estimates of income for the ensuing fiscal year. Upon the request of the Department of Highways the Department of Revenue shall, from time to time, furnish revised estimates of income.

Section 3. There is hereby appropriated to the State Road Fund for the fiscal year which commences April 1, 1950, and ends June 1, 1951, in addition to other monies that may already be or may hereafter be appropriated thereto, all of the revenue realized from fees, taxes, and license fees, levied for state road purposes now authorized by law, and any additional or other revenues, grants, or funds, including any amount which may be received from federal aid or any other source pursuant to the provisions of KRS 177.030, made available for the construction or reconstruction of public roads or for any other of the activities administered by the Department of Highways during the period from April 1, 1950, to June 30, 1951. There is further appropriated to the State Road Fund for the fiscal year which commences July 1, 1951, and ends June 30, 1952, in addition to other monies which may already be or may hereafter be appropriated thereto, all such funds realized or granted during the period of that fiscal year, together with any balance existing in the State Road Fund as of June 30, 1951.

Section 4. There is hereby appropriated to the Department of Highways all monies received and placed to the credit of that fund during the fiscal years ending June 30, 1951, and June 30, 1952, and all other monies standing or accruing to the credit of the State Road Fund, not appropriated in this Act or any other Act to any other agency, for the use by the Department of Highways in the activities, functions and duties performed by it as prescribed by law.

Section 5. There is hereby appropriated from the State Road Fund to the Division of Rural Highways for improvement, construction, reconstruction, and maintenance of county roads and bridges, which have not been accepted by the Department of Highways for maintenance, the sum of $1,250,000.00 for the period commencing April 1, 1950, and ending June 30, 1951, in addition to other monies appropriated from the State Road Fund to the said Division.

Section 6. The $5,000,000.00 heretofore appropriated by this 1950 General Assembly in House Bill No. 14 to the Division of Rural Highways for the period from April 1, 1950, to March 31, 1951, is hereby expressly re-appropriated to and made available for expenditure by the Division of Rural Highways for the fiscal year which commences April 1, 1950, and ends June 30, 1951; and the $5,000,000.00 appropriated in House Bill No. 14 for the period from April 1, 1951, to March 31, 1952, is hereby expressly re-appropriated to and made available for expenditure by the Division of Rural Highways for the fiscal year which commences July 1, 1951, and ends June 30, 1952.

Section 7. There is hereby appropriated from the State Road Fund to the Department of State Police for expenses of operation of the Department as provided by law the sum of $175,000.00 for the period commencing April 1, 1950 and ending June 30, 1950. This appropriation is in addition to all other amounts appropriated to the Department of State Police as now provided by law or as may hereafter be provided by law.

Section 8. There is hereby appropriated from the State Road Fund to the Agricultural and Industrial Development Board for use by its Topographic Mapping Survey projects for the fiscal year 1950-51 the sum of $50,000.00. This appropriation is in addition to all amounts appropriated to the Board as now prescribed by law or as may hereafter be prescribed by law.

Section 9. WHEREAS, some of the provisions of this Act relate to the period from April 1, 1950 to June 30, 1950 and this Act will not become effective by normal operation of law until the end of that period an emergency is declared to exist and this Act shall take effect upon its passage and approval of the Governor.

Said Committee amendment to said bill is as follows, viz:

Amend printed copy of H. B. No. 148 on page 2, section 3, line 3, by deleting line 3 thereof and substituting therefor the following:

"ends June 30, 1951, in addition to other monies that may already"

Said Committee amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Edward O. Bridgers	Mitchell S. Fannin
Bill Adams	Charles J. Bronston	Henry C. Hale
Edgar Arnett	J. D. Buckman, Jr.	C. A. Hammons
Sidney Baer	Mrs. M. E. Burnett	James P. Hanratty
Walter J. Bailey	Charles W. Burnley	George F. Harris
Clarence J. Barnum	Stanley Carter	Paul E. Hayes
C. E. Baumgardner	Paul Combs	John A. Head
Leonard T. Bean	R. Josh Cosby	William K. Henry
Fred Beshear	B. H. Crider	E. R. Hilton
R. O. Blevins	G. I. Drury	Ray Holbrook
L. E. Bradley	Thomas R. Duncan	Woodrow W. Hollan

W. M. Horn	Archie R. Moore	James S. Shaw
Richard R. Houpt	Emmett G. Moore	Gus Sheehan, Jr.
Robert N. Hubbard	Walter R. Moorman	Jesse H. Shelton
Silas Jacobs	Fred H. Morgan	John M. Spaulding
Paul S. Jonas	C. S. Nabb	Roy Steers
Barkley Jones	Leonard W. Preston	Raymond D. Stigall
William Jones	Hobart Rayburn	Mrs. Thelma Stovall
Jesse H. Lawrence	W. R. Reasor	W. R. Stringer
Mrs. J. T. Linton	Carl J. Ruh	Egbert V. Taylor
Homer E. Losey	Amos Runyan	M. G. Thompson
A. L. (Chick) Love	Dr. Roy Sanders	Rev. T. H. Tinsley
True Mackey	LeRoy Saylor	Ralph N. Walter
Damon Majors	Roy Searcy	Fred M. Warns
William T. Marshall	Paul E. Shannon	Lyle H. Webb
Jack McPherron		

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Those who voted in the negative were—

Thomas L. Britton	Durham W. Howard	Dr. C. E. Palmore
Harold G. Helm	Alton Mitchell	Harry Lee Waterfield

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Resolved that the title thereof be as aforesaid.

Mr. Hubbard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 24. AN ACT relating to deadly weapons.

With Committee amendments thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 435.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person, not expressly authorized by law, who carries a deadly weapon, other than an ordinary pocket-knife, on or

about his person, or any person who sells a deadly weapon, other than an ordinary pocket-knife, to a minor, shall be fined not less than $100.00 nor more than $500, or imprisoned in the county jail for not less than ten or more than forty days, or both, for the first offense; and for each subsequent offense shall be fined not less than $500 nor more than $1,000 or imprisoned in the county jail for not less than two months nor more than six months, or both.

(2) Sheriffs, constables, marshals, policemen and other ministerial officers, when necessary for their protection in the discharge of their official duties; United States mail carriers, when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed deadly weapons on or about their persons.

The county judge, county attorney and sheriff of any county, acting concurrently, shall, upon the application of and a reasonable showing of necessity by a resident of the county, issue to such resident a permit to carry concealed a deadly weapon. Any permit issued under this subsection shall be valid only during the current terms of office of the issuing officers. Each person obtaining a permit under this subsection shall give a bond to the Commonwealth in the penal sum of $500 conditioned upon lawful use of the weapon for which the permit was issued.

Said Committee amendments to said bill are as follows, viz:

Committee Amendment No. 1. Amend printed copy of H. B. No. 24 on page 1, section 1, lines 7 through 12, inclusive, by deleting therefrom lines 7 through 12, inclusive, and inserting, in lieu thereof, the following:

"than $10 nor more than $500, or imprisoned in the County Jail for not less than 10 days nor more than 6 months, or both."

Committee Amendment No. 2. Amend printed copy of H. B. No. 24 on page 2, section 2, lines 20 through 28, inclusive by deleting therefrom lines 20 through 28 inclusive.

Said Committee amendments to said bill were each and severally agreed to.

Mr. Maurice G. Howard offered the following amendment to said bill, viz:

Amend printed copy of House Bill No. 24 on page 1, line 4, by adding immediately before the phrase "a deadly weapon" the word "concealed"

Said amendment to said bill was agreed to.

Mr. Maurice G. Howard moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read at length the third time.

Mr. Maurice G. Howard moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Leonard T. Bean	Charles J. Bronston
Edgar Arnett	John D. Beatty	J. D. Buckman, Jr.
Sidney Baer	Fred Beshear	Mrs. M. E. Burnett
Walter J. Bailey	R. O. Blevins	Charles W. Burnley
Clarence J. Barnum	Edward O. Bridgers	Stanley Carter
C. E. Baumgardner	Thomas L. Britton	Paul Combs

R. Josh Cosby	Barkley Jones	LeRoy Saylor
Owen Deering	William Jones	Roy Searcy
G. I. Drury	Jesse H. Lawrence	Paul E. Shannon
Thomas R. Duncan	Mrs. J. T. Linton	James S. Shaw
R. C. Estepp, Sr.	Homer E. Losey	Gus Sheehan, Jr.
Mitchell S. Fannin	A. L. (Chick) Love	Jesse H. Shelton
Henry C. Hale	True Mackey	Joseph T. Snapp
C. A. Hammons	Damon Majors	John M. Spaulding
James P. Hanratty	John Martin	Roy Steers
George F. Harris	William T. Marshall	Raymond D. Stigall
Paul E. Hayes	Jack McPherron	Mrs. Thelma Stovall
John A. Head	Alton Mitchell	W. R. Stringer
Harold G. Helm	Walter R. Moorman	Egbert V. Taylor
William K. Henry	Fred H. Morgan	M. G. Thompson
E. R. Hilton	C. S. Nabb	Rev. T. H. Tinsley
Ray Holbrook	Dr. C. E. Palmore	Ralph N. Walter
Woodrow W. Hollan	Leonard W. Preston	Fred M. Warns
W. M. Horn	Hobart Rayburn	Harry Lee Waterfield
Durham W. Howard	W. R. Reasor	Lyle H. Webb
Maurice G. Howard	Carl J. Ruh	G. F. Williamson
Silas Jacobs	Amos Runyan	Charles W. Wirsch
Paul S. Jonas	Dr. Roy Sanders	—82

Resolved that the title thereof be as aforesaid.

Mr. Maurice G. Howard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Rayburn moved that the rules be suspended and the privilege of the floor extended to Irene McDonald of Worthville, N. C. and Theana McQueen of Shady Valley, Tenn.

Said motion was unanimously agreed to.

Mr. Helm moved that the rules be suspended and the privilege of the floor extended to Professor Humble of Jamestown, Ky.

Said motion was unanimously agreed to.

Mr. Henry moved that the rules be suspended and the privilege of the floor extended to Mr. Tom K. Shuff.

Said motion was unanimously agreed to.

Mr. Buckman moved that the rules be suspended and the privilege of the floor extended to Mr. and Mrs. T. C. Carroll and Thomas C. Carroll.

Said motion was unanimously agreed to.

Mr. Losey moved that the rules be suspended and the privilege of the floor extended to Honorable Rodes Bratcher.

Said motion was unanimously agreed to.

Mr. Houpt moved that the rules be suspended and the privilege of the floor extended to Mr. and Mrs. Tom Murphy, Messrs. C. J. O'Leary, W. A. Roby, and Al Steiger.

Said motion was unanimously agreed to.

Mr. Lawrence moved that the rules be suspended and the privilege of the floor extended to Professor C. L. Timberlake.

Said motion was unanimously agreed to.

The Speaker vacated the Chair and designated Mr. Morgan as Speaker pro tem.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 30. AN ACT relating to nonprofit corporations, associations or societies, amending Section 273.050 of the Kentucky Revised Statutes, and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 273.050 of the Kentucky Revised Statutes is amended to read as follows:

Sec. 1. Two-thirds of the directors, managers or trustees of any corporation organized under KRS 273.020, or of any other

existing corporation, association or society heretofore incorporated or chartered for charitable, religious or educational purposes, and not operated, managed or used for private profit, may change its charter or articles of incorporation by filing and recording the amendment as original articles are required to be filed and recorded under KRS 273.020. Any amendments or changes in charters or articles of incorporation heretofore made in this manner shall be deemed valid the same as though made pursuant to the provisions of this section.

Sec. 2. Whereas, there now exists serious doubt and uncertainty concerning the validity of amendments and changes heretofore made in the charters or articles of incorporation of incorporation of numerous corporations, associations and societies, and

Whereas, it is important that such doubt and uncertainty should be dispelled promptly, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Shaw moved the Previous Question.

Whereupon, the Speaker pro tem announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Baer moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Harold G. Helm	Dr. C. E. Palmore
Edgar Arnett	William K. Henry	Leonard W. Preston
Sidney Baer	E. R. Hilton	Hobart Rayburn
Walter J. Bailey	Ray Holbrook	W. R. Reasor
Clarence J. Barnum	Woodrow W. Hollan	Carl J. Ruh
C. E. Baumgardner	W. M. Horn	Amos Runyan
Leonard T. Bean	Durham W. Howard	Dr. Roy Sanders
John D. Beatty	Maurice G. Howard	LeRoy Saylor
R. O. Blevins	Silas Jacobs	Roy Searcy
Edward O. Bridgers	Paul S. Jonas	Paul E. Shannon
Thomas L. Britton	Barkley Jones	James S. Shaw
Charles J. Bronston	William Jones	Gus Sheehan, Jr.
J. D. Buckman, Jr.	James W. Lambert	Jesse H. Shelton
Mrs. M. E. Burnett	Jesse H. Lawrence	Joseph T. Snapp
Charles W. Burnley	Mrs. J. T. Linton	John M. Spaulding
Stanley Carter	Homer E. Losey	Roy Steers
Paul Combs	A. L. (Chick) Love	Raymond D. Stigall
R. Josh Cosby	True Mackey	Mrs. Thelma Stovall
B. H. Crider	Damon Majors	W. R. Stringer
Owen Deering	John Martin	Egbert V. Taylor
Thomas R. Duncan	Wm. T. Marshall	M. G. Thompson
R. C. Estepp, Sr.	G. Lee McClain	Rev. T. H. Tinsley
Henry C. Hale	Jack McPherron	Ralph N. Walter
C. A. Hammons	Alton Mitchell	Fred M. Warns
James P. Hanratty	Archie R. Moore	Harry Lee Waterfield
George F. Harris	Walter R. Moorman	Lyle H. Webb
Paul E. Hayes	Fred H. Morgan	Morris Weintraub
John A. Head	C. S. Nabb	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 136. AN ACT relating to Revenue and Taxation; repealing Section 138.356 Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.356 Kentucky Revised Statutes is repealed, effective June 30, 1950.

Section 2. Any unencumbered balance remaining in the Gasoline Tax Refund Expense Account after June 30, 1950 shall revert to the Road Fund.

Mr. Baer moved the Previous Question.

Whereupon, the Speaker pro tem announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Harold G. Helm	James H. Polsgrove
Edgar Arnett	William K. Henry	Leonard W. Preston
Sidney Baer	E. R. Hilton	Hobart Rayburn
Walter J. Bailey	Ray Holbrook	W. R. Reasor
Clarence J. Barnum	W. W. Hollan	Carl J. Ruh
C. E. Baumgardner	W. M. Horn	Amos Runyan
Leonard T. Bean	Richard R. Houpt	LeRoy Saylor
John D. Beatty	Maurice G. Howard	Paul E. Shannon
Fred Beshear	Robert N. Hubbard	James S. Shaw
R. O. Blevins	Paul S. Jonas	Gus Sheehan, Jr.
L. E. Bradley	Barkley Jones	Jesse H. Shelton
Edward O. Bridgers	William Jones	Joseph T. Snapp
Thomas L. Britton	James W. Lambert	John M. Spaulding
Charles J. Bronston	Jesse H. Lawrence	J. Claude Stacy
Mrs. M. E. Burnett	Mrs. J. T. Linton	Roy Steers
Charles W. Burnley	A. L. (Chick) Love	Raymond D. Stigall
Paul Combs	Harry K. Lowman	Mrs. Thelma Stovall
R. Josh Cosby	True Mackey	W. R. Stringer
B. H. Crider	Damon Majors	Egbert V. Taylor
Thomas R. Duncan	Wm. T. Marshall	M. G. Thompson
Mitchell S. Fannin	Jack McPherron	Ralph N. Walter
Henry C. Hale	Archie R. Moore	Fred M. Warns
C. A. Hammons	Emmett G. Moore	Harry Lee Waterfield
James P. Hanratty	Walter R. Moorman	Lyle H. Webb
George F. Harris	Fred H. Morgan	Charles W. Wirsch
Paul E. Hayes	C. S. Nabb	
John A. Head	Dr. C. E. Palmore	—79

Resolved that the title thereof be as aforesaid.

Mr. Baer moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 138. AN ACT relating to the condemnation of property for road and bridge purposes and related purposes by

the Commonwealth for the use and benefit of the Department of Highways, and providing alternative methods therefor, and repealing KRS 177.080, 177.090 and 177.100.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The Department of Highways may institute proceedings in the county court of the county where in the property, or any part thereof, is situated, to have condemned any property which is convenient or necessary to the construction and maintenance of roads, including permanent or temporary right of way, garage sites, private ways, and gravel beds, borrow pits, quarries or mines containing material suitable for road building or for the surfacing of roads; provided, however, no gravel bed, quarry, or mine shall be taken by condemnation within one thousand feet of any dwelling or stock barn, but nothing herein shall be construed to prohibit the purchase of any such bed, quarry, or mine by voluntary agreement with the owner thereof.

Section 2. The condemnation proceedings may be tried at a special term of the county court called for that purpose, after due notice has been given the owner of the property. Such proceedings, at the election of the Department, may be instituted and tried in the manner provided in Sections 416.010 to and including 416.080 of the Kentucky Revised Statutes, or, in the alternative, in the manner provided in Sections 416.230 to and including 416.310 of the Kentucky Revised Statutes, or, as another alternative, in the manner provided in Section 416.120 of the Kentucky Revised Statutes.

Section 3. KRS 177.080, 177.090, and 177.100 are hereby repealed.

Mr. Buckman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	R. C. Estepp, Sr.	Mrs. J. T. Linton
Edgar Arnett	Mitchell S. Fannin	Homer E. Losey
Sidney Baer	Henry C. Hale	A. L. (Chick) Love
Clarence J. Barnum	C. A. Hammons	True Mackey
C. E. Baumgardner	James P. Hanratty	Damon Majors
Leonard T. Bean	George F. Harris	John Martin
John D. Beatty	Paul E. Hayes	Wm. T. Marshall
Fred Beshear	John A. Head	G. Lee McClain
R. O. Blevins	Harold G. Helm	Jack McPherron
L. E. Bradley	William K. Henry	Archie R. Moore
Edward O. Bridgers	Ray Holbrook	Walter R. Moorman
Thomas L. Britton	Woodrow W. Hollan	Fred H. Morgan
Charles J. Bronston	W. M. Horn	C. S. Nabb
J. D. Buckman, Jr.	Richard R. Houpt	Dr. C. E. Palmore
Mrs. M. E. Burnett	Durham W. Howard	James H. Polsgrove
Charles W. Burnley	Maurice G. Howard	Hobart Rayburn
Stanley Carter	Robert N. Hubbard	W. R. Reasor
Paul Combs	Silas Jacobs	Carl J. Ruh
R. Josh Cosby	Paul S. Jonas	Amos Runyan
B. H. Crider	Barkley Jones	Dr. Roy Sanders
Owen Deering	William Jones	LeRoy Saylor
G. I. Drury	James W. Lambert	Paul E. Shannon
Thomas R. Duncan	Jesse H. Lawrence	James S. Shaw

Gus Sheehan, Jr.	W. R. Stringer	Fred M. Warns
Joseph T. Snapp	Egbert V. Taylor	Harry Lee Waterfield
J. Claude Stacy	M. G. Thompson	Morris Weintraub
Roy Steers	Rev. T. Herbert Tinsley	G. F. Williamson
Raymond D. Stigall		Charles W. Wirsch
Mrs. Thelma Stovall	Ralph N. Walter	—85

Resolved that the title thereof be as aforesaid.

Mr. Buckman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 139. AN ACT relating to the condemnation of property for road and bridge purposes and other related purposes by the Commonwealth of Kentucky for the use and benefit of the Department of Highways, and by counties and municipalities therein, amending Section 416.115 of the Kentucky Revised Statutes by providing for an additional procedure or alternative method of condemnation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 416.115 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commonwealth of Kentucky, Department of Highways, counties and municipalities are hereby given the right to proceed as authorized in KRS 416.120 and KRS 416.230 to and including 416.310 when condemning land and materials for the construction and improvement of public roads and bridges.

(2) Such procedures shall be additional and alternative methods of condemnation to that now provided in KRS 416.010 to 416.080.

Mr. Buckman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Charles W. Burnley	Harold G. Helm
Bill Adams	Stanley Carter	William K. Henry
Edgar Arnett	Paul Combs	E. R. Hilton
Sidney Baer	R. Josh Cosby	Ray Holbrook
Clarence J. Barnum	B. H. Crider	Woodrow W. Hollan
C. E. Baumgardner	Owen Deering	W. M. Horn
Leonard T. Bean	G. I. Drury	Richard R. Houpt
John D. Beatty	Thomas R. Duncan	Maurice G. Howard
Fred Beshear	R. C. Estepp, Sr.	Silas Jacobs
R. O. Blevins	Mitchell S. Fannin	Paul S. Jonas
L. E. Bradley	Henry C. Hale	Barkley Jones
Edward O. Bridgers	C. A. Hammons	James W. Lambert
Thomas L. Britton	James P. Hanratty	Jesse H. Lawrence
Charles J. Bronston	George F. Harris	Mrs. J. T. Linton
J. D. Buckman, Jr.	Paul E. Hayes	Homer E. Losey
Mrs. M. E. Burnett	John A. Head	True Mackey

John Martin	Amos Runyan	Mrs. Thelma Stovall
Wm. T. Marshall	Dr. Roy Sanders	W. R. Stringer
Archie R. Moore	LeRoy Saylor	Egbert V. Taylor
Emmett G. Moore	Roy Searcy	M. G. Thompson
Walter R. Moorman	Paul E. Shannon	Rev. T. Herbert Tinsley
Fred H. Morgan	James S. Shaw	
C. S. Nabb	Gus Sheehan, Jr.	Ralph N. Walter
Dr. C. E. Palmore	Jesse H. Shelton	Fred M. Warns
James H. Polsgrove	Joseph T. Snapp	Harry Lee Waterfield
Hobart Rayburn	John M. Spaulding	Morris Weintraub
W. R. Reasor	Roy Steers	G. F. Williamson
Carl J. Ruh	Raymond D. Stigall	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Buckman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Morgan, Speaker pro tem, vacated the Chair and the Speaker resumed the Chair and presided.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 135. AN ACT relating to report filing date, method of payment and penalties pertaining to taxes on gasoline and other motor fuels.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 138.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who produces, refines, manufactures or compounds gasoline in this state shall, by the last day of each month, file a report with the Department of Revenue, on forms prescribed by it, covering the next preceding calendar month,

showing the number of gallons of gasoline produced, refined, manufactured or compounded, the number of gallons withdrawn from refinery storage and shipped to points outside of this state, and the number of gallons withdrawn from refinery storage and shipped to points within this state upon which the tax has not been paid. This report shall give in detail, regarding each separate shipment, the date of shipment, the number of gallons in each shipment, the name of owner and license number of truck if shipped by transport truck, the initial and number of tank car if shipped by rail, the name and owner of barge if shipped by water, the name and address of person to whom shipped, the point of shipment, the point of destination and the name of carrier to whom delivered for transportation to destination.

(2) Any person who imports and stores gasoline in any marine or pipe-line terminal storage in this state shall, by the last day of each month, file a report with the department, on forms prescribed by it, covering the next preceding calendar month, showing the number of gallons of gasoline unexported and stored, the number of gallons withdrawn from storage and received, the number of gallons withdrawn from storage and shipped to points outside of this state, and the number of gallons of gasoline withdrawn from storage and shipped to points within this state upon which the tax has not been paid. This report shall give in detail, regarding each separate shipment, the date of shipment, the number of gallons in each shipment, the name of owner and license number of truck if shipped by transport truck, the initial and number of tank car if shipped by rail, the name and owner of barge if shipped by water, the name and address of person to whom shipped, the point of shipment and point of destination and the name of carrier to whom delivered for transportation to destination.

Section 2. Section 138.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) The reports required by KRS 138.240 shall be accompanied by a certified or cashier's check, payable to the State Treasurer, for the amount of tax due for the preceding calendar month, computed as provided in KRS 138.270; except that the Department may waive this requirement and accept the dealer's

check where the dealer is of sound financial condition and has established a good record of compliance with the requirements of KRS 138.210 to 138.340.

(2) By virtue of the allowance provided by KRS 138.270 to dealers for collecting and remitting the tax, every dealer is a trust officer of the state.

Section 3. Section 138.290 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any dealer neglects or refuses to make the return required by KRS 138.240 or to pay the tax at the time provided, a penalty of twenty per cent thereof and interest at six per cent per annum from the date when due shall be paid as a part of the tax.

(2) If any taxpayer subject to the penalty provided in subsection (1) of this section submits in writing to the Department, his reasons for failure to comply with KRS 138.240, and if the Department finds the reasons evidence of justifiable cause for modifying the penalty provided in subsection (1) of this section it may modify the penalty exacted therein to five per cent of the amount of the tax due and delinquent, provided the five per cent penalty may be reduced to a one per cent penalty if the violation is the first violation by the taxpayer within twelve months.

(3) If the penalties provided by this section are collected by proceedings in court an additional penalty of twenty per cent shall be collected and distributed as is authorized by KRS 134.400 and 135.060.

Section 4. Section 138.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) To determine the amount of tax due under KRS 138.360, each user shall, by the last day of each month, file with the Department of Revenue, on forms prescribed by the Department, monthly reports sworn to by the user showing the total number of gallons of fuel used within this state during the next preceding calendar month.

(2) The tax at the rate of seven cents per gallon of fuel shall be computed on the number of gallons reported as used

within this state, and shall constitute the amount of tax payable for the next preceding calendar month.

(3) Reports required in subsection (1) of this section shall be accompanied by a certified or cashier's check, payable to the State Treasurer, for the amount of tax due for the preceding calendar month; except that the Department may waive this requirement and accept the user's check where the user is of sound financial condition and has established a good record of compliance with the requirements of KRS 138.359 to 138.440.

Section 5. Section 138.400 of the Kentucky Revised Statutes is amended to read as follows:

(1) If any user neglects or refuses to make the return or pay the tax at the time provided in KRS 138.390, a penalty of twenty percent of the tax and interest at six percent per annum from the date when due shall be paid as a part of the tax.

(2) If any user subject to the penalty provided in the preceding paragraph submits in writing to the Department his reasons for failure to comply with KRS 138.390, and if the Department finds the reasons evidence of justifiable cause for modifying the penalty provided in subsection (1) of this section it may modify the penalty exacted therein to five percent of the amount of the tax due and delinquent.

(3) If the penalties provided by this section are collected by proceedings in court an additional penalty of twenty percent shall be collected and distributed as is authorized by KRS 134.400 and 135.060.

(4) Whenever any user neglects or refuses to make and file any report for any calendar month as required by KRS 138.390, or files an incorrect or fraudulent report, the Department of Revenue shall determine, after an investigation, the number of gallons of fuel with respect to which the user has incurred liability under KRS 138.360 for any particular month, and assess and collect the amount of taxes and penalties payable by the user.

(5) In any action for the collection of the fuel tax and any penalties or interest imposed in connection therewith, an assessment by the Department of the amount of the tax due and the

interest or penalties due to the state shall constitute prima facie evidence of the claim of the state, and the burden of proof shall be on the user to show the assessment was incorrect and contrary to law.

Mr. Baer moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Stanley Carter	Ray Holbrook
Edgar Arnett	Paul Combs	Woodrow W. Hollan
Sidney Baer	R. Josh Cosby	W. M. Horn
Clarence J. Barnum	B. H. Crider	Richard R. Houpt
C. E. Baumgardner	Owen Deering	Durham W. Howard
Leonard T. Bean	R. C. Estepp, Sr.	Silas Jacobs
John D. Beatty	Mitchell S. Fannin	Paul S. Jonas
Fred Beshear	Henry C. Hale	Barkley Jones
R. O. Blevins	C. A. Hammons	Jesse H. Lawrence
L. E. Bradley	James P. Hanratty	Mrs. J. T. Linton
Edward O. Bridgers	George F. Harris	A. L. (Chick) Love
Charles J. Bronston	Paul E. Hayes	True Mackey
J. D. Buckman, Jr.	Harold G. Helm	Wm. T. Marshall
Mrs. M. E. Burnett	William K. Henry	Jack McPherron
Charles W. Burnley	E. R. Hilton	Alton Mitchell

Archie R. Moore	LeRoy Saylor	Mrs. Thelma Stovall
Emmett G. Moore	Roy Searcy	W. R. Stringer
Walter R. Moorman	Paul E. Shannon	Egbert V. Taylor
Fred H. Morgan	James S. Shaw	M. G. Thompson
C. S. Nabb	Gus Sheehan, Jr.	Rev. T. Herbert
Dr. C. E. Palmore	Jesse H. Shelton	Tinsley
Leonard W. Preston	Joseph T. Snapp	Ralph N. Walter
W. R. Reasor	John M. Spaulding	Harry Lee Waterfield
Carl J. Ruh	J. Claude Stacy	Morris Weintraub
Amos Runyan	Roy Steers	G. F. Williamson
Dr. Roy Sanders	Raymond D. Stigall	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Speaker announced that he had referred bills and resolutions heretofore introduced or reported as follows, viz:

H. B. No. 309—Committee on Kentucky Statutes No. 1.

H. B. No. 310—Committee on Public Health.

H. B. No. 311—Committee on Cities of Third Class.

H. B. No. 312—Committee on Veterans' Legislation.

H. B. No. 313—Committee on Ways and Means.

H. B. No. 314—Committee on Cities of Fourth Class.

H. B. No. 315—Committee on Kentucky Statutes No. 1.

H. B. No. 316—Committee on Constitutional Amendments.

H. B. No. 317—Committee on Agriculture No. 1.

H. Res. No. 36—Committee on Claims.

H. Res. No. 37—Committee on Claims.

H. Res. No. 38—Committee on Claims.

S. B. No. 46—Committee on Kentucky Statutes No. 1.

S. B. No. 53—Committee on Kentucky Statutes No. 1.

S. B. No. 79—Committee on Codes and Practice.

S. B. No. 91—Committee on Charitable and Penal Institutions.

S. B. No. 62—Committee on Ways and Means.

S. B. No. 29—Committee on Kentucky Statutes No. 1.

S. Res. No. 13—Committee on Claims.

S. Res. No. 17—Committee on Claims.

Mr. Fannin moved that the rules be suspended and a bill of the following title, viz:

H. B. No. 226. AN ACT relating to revenue and taxation; increasing the rates of various taxes and appropriating the revenue derived therefrom.

Which was reported by the Committee on Revenue and Taxation No. 1 on February 14 without an expression of opinion

Be recommitted.

Mr. Preston moved to amend the motion as made by Mr. Fannin in that said bill be recommitted to the Committee on Revenue and Taxation No. 1 with instructions that said Committee report said bill with an expression of opinion.

Mr. William Jones moved that the House do now adjourn.

The yeas and nays being required on the motion as made by Mr. William Jones by Mr. Morgan and Mr. Hanratty were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	Edward O. Bridgers	G. I. Drury
Sidney Baer	Thomas L. Britton	Thomas R. Duncan
Clarence J. Barnum	Charles J. Bronston	Henry C. Hale
C. E. Baumgardner	Mrs. M. E. Burnett	James P. Hanratty
Leonard T. Bean	R. Josh Cosby	Paul E. Hayes
Fred Beshear	B. H. Crider	John A. Head

William K. Henry	G. Lee McClain	J. Claude Stacy
Ray Holbrook	Walter R. Moorman	Raymond D. Stigall
Woodrow W. Hollan	Fred H. Morgan	Mrs. Thelma Stovall
W. M. Horn	C. S. Nabb	M. G. Thompson
Richard R. Houpt	W. R. Reasor	Rev. T. Herbert Tinsley
William Jones	Roy Searcy	
Mrs. J. T. Linton	Jesse H. Shelton	Fred M. Warns
True Mackey	Joseph T. Snapp	G. F. Williamson
Wm. T. Marshall	John M. Spaulding	Charles W. Wirsch

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Those who voted in the negative were—

John D. Beatty	Maurice G. Howard	Amos Runyan
R. O. Blevins	Silas Jacobs	Dr. Roy Sanders
L. E. Bradley	Paul S. Jonas	LeRoy Saylor
J. D. Buckman, Jr.	Barkley Jones	Paul E. Shannon
Charles W. Burnley	James W. Lambert	James S. Shaw
Stanley Carter	Homer E. Losey	Gus Sheehan, Jr.
Paul Combs	A. L. (Chick) Love	Roy Steers
R. C. Estepp, Sr.	Jack McPherron	W. R. Stringer
Mitchell S. Fannin	Alton Mitchell	Egbert V. Taylor
C. A. Hammons	Emmett G. Moore	Harry Lee Waterfield
Harold G. Helm	Dr. C. E. Palmore	Lyle H. Webb
E. R. Hilton	Leonard W. Preston	Morris Weintraub
Durham W. Howard	Hobart Rayburn	

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Thereupon said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 16, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by the Reverend William P. Wilhoyt, pastor of the Church of the Nazarene, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams
Bill Adams
Edgar Arnett
Sidney Baer
Walter J. Bailey
Clarence J. Barnum
C. E. Baumgardner
Leonard T. Bean
John D. Beatty
Fred Beshear
R. O. Blevins
L. E. Bradley
Edward O. Bridgers
Thomas L. Britton
Charles J. Bronston
J. D. Buckman, Jr.
Mrs. M. E. Burnett
Charles W. Burnley
Stanley Carter
Paul Combs
R. Josh Cosby
B. H. Crider
Owen Deering
G. I. Drury
Thomas R. Duncan
R. C. Estepp, Sr.
Mitchell S. Fannin
Henry C. Hale
C. A. Hammons
James P. Hanratty
Paul E. Hayes
John A. Head
Harold G. Helm
William K. Henry
E. R. Hilton
Ray Holbrook
Woodrow W. Hollan
Chester J. Holsclaw
W. M. Horn
Richard R. Houpt
Durham W. Howard
Maurice G. Howard
Robert N. Hubbard
Silas Jacobs
Paul S. Jonas
Barkley Jones
William Jones
James W. Lambert
Jesse H. Lawrence
Mrs. J. T. Linton
Homer E. Losey
A. L. (Chick) Love
Harry K. Lowman
True Mackey
Damon Majors
John Martin
William T. Marshall
G. Lee McClain
Jack McPherron
Alton Mitchell
Archie R. Moore
Emmett G. Moore
Dr. C. E. Palmore
James H. Polsgrove
Hobart Rayburn
W. R. Reasor
Carl J. Ruh
Amos Runyan
Dr. Roy Sanders
LeRoy Saylor
Roy Searcy
Paul E. Shannon
James S. Shaw
Gus Sheehan, Jr.
Jesse H. Shelton
Joseph T. Snapp
John M. Spaulding
J. Claude Stacy
Roy Steers
Raymond D. Stigall
Mrs. Thelma Stovall
W. R. Stringer
Egbert V. Taylor
M. G. Thompson
Rev. T. H. Tinsley
Ralph N. Walter
Fred M. Warns
Harry Lee Waterfield
Lyle H. Webb
Morris Weintraub
G. F. Williamson
Charles W. Wirsch
Adron Doran,
Speaker

Mr. Baer moved that leaves of absence be granted to Messrs. Calvert, Harris, Moorman, Morgan, Nabb, Smith, and Preston.

Said motion was agreed to.

Mr. Hanratty moved that the reading of the Journal of the proceedings of Wednesday, February 15, 1950, be dispensed with, and the same be approved.

Said motion was agreed to.

The House resumed consideration of a motion on yesterday by Mr. Fannin that a bill of the following title, viz:

H B. No. 226. AN ACT relating to revenue and taxation; increasing the rates of various taxes and appropriating the revenue derived therefrom.

Be recommitted.

And a motion by Mr. Preston to amend the motion as made by Mr. Fannin that said bill be recommitted to the Committee on Revenue and Taxation No. 1 with instructions that said Committee report said bill with an expression of opinion.

Mr. Waterfield raised the point of order that the subject matter contained in the motion as made by Mr. Preston had been considered by the House on February 14, disagreed to and could not again be considered unless a motion to reconsider the vote by which said motion had been rejected was agreed to.

The Speaker ruled the point of order as raised by Mr. Waterfield well taken, and ruled Mr. Preston's motion out of order.

The yeas and nays being required on the motion as made by Mr. Fannin by Mr. Weintraub and Mr. Losey were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Maurice G. Howard	Amos Runyan
John D. Beatty	Silas Jacobs	LeRoy Saylor
R. O. Blevins	Barkley Jones	Roy Steers
L E. Bradley	James W. Lambert	W. R. Stringer
Thomas L. Britton	Homer E. Losey	Egbert V. Taylor
R. C. Estepp, Sr.	Harry K. Lowman	Ralph N. Walter
Mitchell S. Fannin	Alton Mitchell	Harry Lee Waterfield
C. A. Hammons	Archie R. Moore	Lyle H. Webb
Harold G. Helm	Emmett G. Moore	Morris Weintraub
E. R. Hilton	Dr. C. E. Palmore	Charles W. Wirsch
Durham W. Howard	Hobart Rayburn	

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Those who voted in the negative were—

Bernam Adams	Henry C. Hale	James H. Polsgrove
Edgar Arnett	James P. Hanratty	W. R. Reasor
Sidney Baer	Paul E. Hayes	Carl J. Ruh
Walter J. Bailey	John A. Head	Roy Searcy
Clarence J. Barnum	William K. Henry	Paul E. Shannon
C. E. Baumgardner	Ray Holbrook	James S. Shaw
Leonard T. Bean	Woodrow W. Hollan	Gus Sheehan, Jr.
Fred Beshear	W. M. Horn	Jesse H. Shelton
Edward O. Bridgers	Richard R. Houpt	Joseph T. Snapp
Charles J. Bronston	Robert N. Hubbard	John M. Spaulding
J. D. Buckman, Jr.	Paul S. Jonas	J. Claude Stacy
Mrs. M. E. Burnett	William Jones	Raymond D. Stigall
Charles W. Burnley	Mrs. J. T. Linton	Mrs. Thelma Stovall
Stanley Carter	A. L. (Chick) Love	M. G. Thompson
R. Josh Cosby	True Mackey	Rev. T. H. Tinsley
B. H. Crider	Damon Majors	Fred M. Warns
G. I. Drury	G. Lee McClain	G. F. Williamson
Thomas R. Duncan	Jack McPherron	—53

And thereupon said motion was disagreed to.

Mr. William Jones moved that the vote by which said motion was disagreed to be reconsidered and that said motion be laid on the table.

Mr. Weintraub raised the point of order that the motion as made by Mr. Fannin had been made under suspension of the Rules of the House and, therefore, the motion as made by Mr. William Jones was not in order as the House was not in motion hour, and

Mr. Waterfield raised the point of order that should the motion as made by Mr. William Jones prevail it would, in effect, be a tabling motion and under the Rules of the House prevent further consideration of the subject matter during this Session without the unanimous consent of the House.

The Speaker ruled the points of order as raised by Mr. Weintraub and Mr. Waterfield well taken, and ruled Mr. William Jones' motion out of order.

SENATE MESSAGE

A message was received from the Senate anonuncing that they had passed bills which originated in that body of the following titles, viz:

S. B. No. 28. AN ACT to amend Section 738 of the Civil Code of Practice.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 738 of the Civil Code of Practice be amended to read as follows:

"Section 738. Time in which transcript must be filed.

"The appellant shall file the transcript in the office of the clerk of the Court of Appeals at least twenty days before the first day of the second term of said Court next after the granting of the appeal or next after the filing of the bill of exceptions in the circuit court, unless the Court extend the time; as, for cause shown, the Court may do."

S. B. No. 47. AN ACT relating to disinfectants, liquid scrub soaps, detergents, scouring powders, dishwashing powders and compounds, requiring labeling to show the ingredients of such commodities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Any person offering for sale any disinfectants, liquid scrub soap, detergents, scouring powders, dishwashing powders and compounds shall label these commodities and such label shall disclose the exact ingredients of the article with the percentage which each ingredient bears to the whole product.

Any of such commodities that are subject to the provisions of the Federal Insecticide, Fungicide and Rodenticide Act or Federal Food, Drug and Cosmetic Act, and which bears labels complying with the requirements of those Acts, shall be deemed to comply with the requirements of this Act.

Sec. 2. Any person who fails to label the products listed in Section 1 of this Act or who fails to show all the ingredients or who does not show the true proportion of such ingredients shall be fined not less than fifty dollars nor more than two hundred dollars. The failure to properly label any one article shall be deemed a separate offense under this Act.

S. B. No. 59. AN ACT to amend Section 289.290 of the Kentucky Revised Statutes, relating to the amendment of articles of incorporation and bylaws of building and loan associations.

Said bill is as follows, viz:

WHEREAS, stockholders in building and loan associations organized in the State of Kentucky under Chapter 289 of the Kentucky Revised Statutes are all of one class, without special or preferred status among themselves, their interest being mutual and identical, and are so numerous the provisions of Section 271.445 relating to the requirements of amending the articles of incorporation of corporations organized under Chapter 271 of the Kentucky Revised Statutes should not apply to building and loan associations organized under Chapter 289 of the Kentucky Revised Statutes;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 289.290 of the Kentucky Revised Statutes is amended to read as follows:

Any association organized and operating under and by virtue of this chapter may amend its articles of incorporation and by-laws by a two-thirds vote of its board of directors adopted at

a regular meeting of the board of directors, provided a written notice of such amendment be mailed to each member of the board thirty days prior to the meeting at which the amendment is to be adopted. Before such amendment of the articles of incorporation shall become effective the association shall present to the Commissioner of Banking copies of such amendment in triplicate signed and acknowledged by a majority of its directors and shall obtain the written approval of the amendment by the Commissioner of Banking.

S. B. No. 64. AN ACT relating to trade practices, amending subsection (1) of Section 365.030 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 365.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in KRS 365.040, no person engaged in business within this state shall sell, offer for sale or advertise for sale any article or product, or service or output of a service trade, at less than the cost thereof to such vendor, or give, offer to give or advertise the intent to give away any article or product, or service or output of a service trade, for the purpose of injuring competitors and destroying competition. Evidence of advertisement, an offer to sell, or sale of any article or product, or service or output of a service trade, at less than cost (as defined in this section) shall be prima facie evidence of intent to injure competitors and to destroy competition.

S. B. No. 89. AN ACT relating to permits to engage in the practice of public accounting; amending Sections 325.330 and 325.340 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 325.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) Permits to engage in the practice of public accounting in this State shall be issued by the Board to holders of a certificate

as "certified public accountant" issued under KRS 325.260 to 325.290 and to individuals and partnerships registered under KRS 325.280 and 325.320, after the payment by each such certificate holder, individual or partnership of an annual permit fee of $15.00. All permits shall expire on the first day of July of each year, but may, annually, be renewed for a period of one year by certificate holders and registrants in good standing upon the payment of a fee for renewal as herein provided. The renewal fee of $15.00 is due on or before the expiration date of the holder's permit, but failure to renew a permit before expiration thereof, except as provided in KRS 325.340 (10), shall not deprive a certificate holder or registrant of the right to renewal; in such cases a certificate holder or registrant in good standing may renew his permit by payment of any and all annual fees unpaid by him since the expiration of his permit and by payment of a penalty of $10.00 in addition thereto. In computing the annual fees unpaid by such delinquent certificate holder or registrant, only the fees for the year ending July 1, 1951, and fees for subsequent years shall be taken into account.

(2) Permits to practice heretofore issued under the provisions of Section 325.330 of the Kentucky Revised Statutes which will expire on July 1, 1950, or did expire prior to that date, may be renewed, for the year ending July 1, 1951, by the payment of a renewal fee of $15.00, provided such payment is made on or before July 1, 1950. In the event that such payment is made after July 1, 1950, a renewal fee of $15.00 for the year ending July 1, 1951, and $15.00 for each subsequent annual permit fee unpaid, and a penalty of $10.00 in addition thereto, must be paid by a certificate holder or registrant in good standing in order to renew his permit.

Section 2. Section 325.340 of the Kentucky Revised Statutes is amended by the addition of subsection (10), immediately following subsection (9) of said section, said Section 325.340 thereby being amended to read as follows:

After notice and hearing as provided in KRS 325.360, the board may revoke or suspend any certificate issued under KRS 325.260 to 325.290, or any registration granted under KRS

325.310, or may revoke, suspend or refuse to renew any permit issued under KRS 325.330, or may censure the holder of any such permit, for any one or any combination of the following causes:

(1) Fraud or deceit in obtaining a certificate as certified public accountant, or in obtaining registration under KRS 325.220 to 325.440, or in obtaining a permit to practice public accounting under KRS 325.220 to 325.440.

(2) Dishonesty, fraud or negligence in the practice of public accounting.

(3) Violation of any of the provisions of KRS 325.380.

(4) Repeated violation of a rule of professional conduct promulgated by the board under the authority granted by KRS 325.220 to 325.440, after warning by the board that such continued violation will constitute grounds for proceedings hereunder.

(5) Conviction of a felony under the laws of any state or of the United States.

(6) Conviction of any crime, an essential element of which is dishonesty or fraud, under the laws of any state or of the United States.

(7) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant or a public accountant in any state.

(8) Suspension or revocation of the right to practice before any state or federal agency or court.

(9) Failure to become a citizen of the United States within six years by any person not a citizen of the United States when he received a certificate as certified public accountant under KRS 325.220 to 325.440.

(10) Failure of a certificate holder or registrant to obtain an annual permit to practice as required under KRS 325.330, (a) within three years from the expiration date of the permit to

practice last obtained or renewed by said certificate holder or registrant, or (b) within three years of the date upon which the certificate holder or registrant was granted his certificate or registration, if no permit was ever issued to such registrant, provided, however, that no action affecting a certificate holder or a registrant shall be taken by the board under this subsection until it shall appear that such certificate holder or registrant failed to renew his permit for the year ending July 1, 1953, on or before that date, or failed to renew his permit for a year or years ending after July 1, 1953.

S. B. No. 99. AN ACT relating to fire prevention and protection and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 75.050 of the Kentucky Revised Statutes is amended to read as follows:

Any fire protection district created as provided in KRS 75.010, and any fire protection district or fire prevention district hereafter created pursuant to present or future law, and any municipal corporation, volunteer fire department, volunteer fire prevention unit, or volunteer fire protection unit, may, through its governing body, make and enter into contracts with any other fire protection district, fire prevention district, municipal corporation, volunteer fire department, volunteer fire prevention unit, or volunteer fire protection unit, either within the same county or within an adjoining county in an area adjacent to the boundary line between the counties, for the furnishing or receiving of fire protection services for all property within the confines of the area included in and covered by the contract or contracts, where such fire protection is not otherwise provided by some division of government or governmental agency. Similar contracts may be made and entered into between any county and an adjoining county, or between any county and any one or more municipalities or districts, departments or units of the character above mentioned, located either within the county or within an adjoin-

ing county in an area adjacent to the boundary line between the counties. The personnel and equipment of a contracting party, in going to and returning from a fire, or in answering and responding to a false fire alarm or call, and while endeavoring to extinguish fires within the area covered by the contract, shall be deemed and hereby is declared to be engaged in the exercise of a governmental function.

Sec. 2. Whereas, there are many communities in the state in dire need of fire protection, an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor.

S. B. No. 104. AN ACT relating to the publication and distribution of the opinions of the Court of Appeals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsection (7) of Section 57.140 of the Kentucky Revised Statutes is amended to read as follows:

(7) The Acts, the journals of each house of the General Assembly, the report of the Commissioner of Agriculture, Labor and Statistics, and one hundred copies of the Governor's message, shall be bound. All other printed matter shall be only stitched, unless otherwise specially ordered.

Sec. 2. Section 57.290 of the Kentucky Revised Statutes is amended to read as follows:

All books printed for the state shall be delivered to the State Librarian and distributed by him. The Librarian shall prepare for each county, a package containing the Acts of the General Assembly and the journals of each house, with a list of the persons entitled to receive them, and send one package in the most inexpensive manner to the circuit clerk of each county, who shall distribute the books to those entitled to them. The Librarian shall not in any year pay more than one thousand dollars for the distribution of such books.

Sec. 3. Section 57.320 of the Kentucky Revised Statutes is amended to read as follows:

The State Librarian, under direction of the Court of Appeals, shall purchase bound volumes and advance sheets of the opinions of the Court of Appeals and furnish them for the use of the Court of Appeals, each county law library, and each judge of a circuit court of continuous session.

Sec. 4. Section 57.350 of the Kentucky Revised Statutes is amended to read as follows:

If any county court house containing the law library is destroyed by fire, the State Librarian shall, upon receipt of the affidavit of the county judge showing the loss, furnish to the county Acts of the General Assembly, journals of the House of Representatives and Senate, and bound volumes of the opinions of the Court of Appeals.

Sec. 5. Section 447.080 of the Kentucky Revised Statutes is amended to read as follows:

The State Property and Buildings Commission shall provide the commission with suitable office space convenient to the State Law Library. The State Librarian shall furnish the commission with the bound volumes and advance sheets of the opinions of the Court of Appeals as published.

Sec. 6. Section 171.100 of the Kentucky Revised Statutes is amended to read as follows:

The State Librarian shall arrange with the proper official of each state of the United States and of the United States and its territories for the exchange of the Acts of the legislatures of each state and of Congress. When an exchange is agreed upon, the State Librarian shall send to such officer one copy of the Acts of the General Assembly as soon as it is ready for distribution. If the Acts of those states or the United States are not promptly sent to the State Librarian, as fast as issued, he shall write for them. The State Librarian shall keep a record of all books sent and received under this section, which record shall be for the use of the Court of Appeals on directing purchases.

Sec. 7. Section 21.260 of the Kentucky Revised Statutes is amended to read as follows:

The Court of Appeals, the Chief Justice being chairman, shall constitute a Board of Commissioners for the purpose of having the opinions of the Court published, in such manner and by such means as the board in its discretion may determine. There shall be no copyright of the opinions.

Sec. 8. Sections 21.250, 21.270, 21.280, 21.290, 21.300, 21.310, 21.320 and subsection (3) of Section 57.150 of the Kentucky Revised Statutes and Section 766 of the Civil Code of Procedure are repealed

S. B. No. 111. AN ACT to amend, revise and re-enact Section 25.490 of the Kentucky Revised Statutes relating to clerks and deputy clerks of the quarterly courts in counties of 250,000 or more population, salaries therefor, fidelity bonds therefor and disposition of fees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 25.490 of the Kentucky Revised Statutes is amended, revised and re-enacted to read as follows:

In counties having a population of 250,000 or more the County Judge elected at a regular election for said office shall, on the first Monday in July succeeding his election, appoint for a period of four years a Clerk of the Quarterly Court, and shall also appoint for a period of four years a Chief Deputy Clerk of said court, and shall also appoint such other deputy clerks as in his judgment is necessary to carry on the functions of the office of Clerk of the Quarterly Court. The Clerk, Chief Deputy Clerk and Deputy Clerks shall have the power to file papers, issue process, administer oaths, and, subject to Section 31 of the Criminal Code of Practice, issue warrants of arrest and criminal summons, and shall keep all such records of said Court as are required by law, and for their services shall be paid such salaries out of the county treasury as are fixed by the County Judge by written recommendation to the Fiscal Court of the County,

which recommendation shall become effective upon its approval by resolution of the Fiscal Court.

The Clerk, Chief Deputy Clerk and the Deputy Clerks shall execute bond before the County Court, with surety approved by the court, before entering upon the discharge of the duties of the office to which appointed. Fees collected from the Quarterly Court shall be paid into the Treasury of the County. Said collections shall be made by the Clerk, who shall settle with the County Judge on the first Monday of each month, and pay the amount found to be due immediately into the County Treasury.

Ordered that said bills be printed and referred.

The message which was received from the Senate also announced that they had passed bills which originated in this body of the following titles, viz:

H. B. No. 40. AN ACT relating to the duties of the State Board of Agriculture.

H. B. No. 39. AN ACT relating to the collection and publication of dairy statistics.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had passed bills which originated in this body of the following titles, viz:

H. B. No. 35. AN ACT relating to the consolidation of the various revolving fund accounts of the Department of Agriculture.

With an amendment to said bill as proposed and adopted by the Senate.

Said amendment to said bill as proposed and adopted by the Senate is as follows, viz:

Amend House Bill No. 35 by substituting the word "agency" in place of the word "revolving" in the following places:

Line 1

At the end of Line 3 and the beginning of Line 4

At the end of Line 7 and the beginning of Line 8

And an amendment to the title of said bill as proposed and adopted by the Senate.

Said amendment to the title of said bill as proposed and adopted by the Senate is as follows, viz:

Strike the word "revolving" from Line 1 of the title and inserting in lieu thereof the word "agency."

H. B. No. 41. AN ACT relating to weights and measures, and weighing and measuring devices.

With amendments to said bill as proposed and adopted by the Senate.

Said amendments to said bill as proposed and adopted by the Senate are as follows, viz:

Amendment No. 1. By striking the entire line and inserting in lieu thereof the following:

"by a customer. This subsection shall not apply to weighing and measuring devices used by pharmacists for the purpose of compounding and preparing prescriptions for medical purposes."

Amendment No. 2. Page 5, Section 8, Line 14, by inserting, immediately preceding the word "For," the following:

"The inspection, testing and trying of railroad track scales used for weighing railroad cars shall be done by the department in cooperation with the United States Bureau of Standards."

Mr. Carter moved that the rules be suspended and the privilege of the floor extended to Mr. Joe Sabel.

Said motion was unanimously agreed to.

Mr. Hubbard moved that the rules be suspended and the privilege of the floor extended to Dr. George Dodds.

Said motion was unanimously agreed to.

Mr. Maurice G. Howard moved that the rules be suspended and the privilege of the floor extended to Mr. Roy Mitchell Fannin.

Said motion was unanimously agreed to.

Mr. McPherron moved that the rules be suspended and the privilege of the floor extended to Mr. George Brumfield.

Said motion was unanimously agreed to.

Mr. Lowman moved that the rules be suspended and the privilege of the floor extended to Mr. Richard Jones.

Said motion was unanimously agreed to.

Mr. Waterfield moved that the rules be suspended for the purpose of introducing Mrs. Forest Smith to the members of the House.

Said motion was unanimously agreed to.

Thereupon, Mr. Waterfield introduced Mrs. Forest Smith to the members and guests of the House.

Bills and a resolution of the following titles were introduced, viz:

By Mr. Drury.

H. B. No. 327. AN ACT relating to stenographic reporters for circuit courts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 28.410 of the Kentucky Revised Statutes is amended to read as follows:

> Each circuit judge may appoint an official stenographic reporter for his court or division, and if his judicial district embraces more than one county, he shall appoint but one official stenographic reporter for the entire district. The reporter shall be skilled in the profession, and shall hold office for a period of four years, or until his successor is appointed and qualified, unless sooner removed as provided in KRS 28.490.

Sec. 2. Section 28.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) Reporters for circuit courts, other than courts of continuous session and courts not of continuous session in counties containing a city of the second class, shall be paid a salary of $250 per month, one-half of which shall be paid out of the State Treasury in equal monthly installments, and the other one-half of which shall be paid out of the county treasuries of the counties comprising the judicial district, in proportion to the assessed valuation of the property in each county. In addition to the salary, the reporter shall be entitled to the fees provided for in subsections (2), (3) and (4) of this section.

(2) In criminal cases, where an original transcript is ordered on motion of the defendant, the reporter shall be entitled to a fee of twenty cents per one hundred words, to be paid by the defendant. However, if in the opinion of the court the defendant is not able to pay for the transcript, the reporter shall furnish a transcript without fee. Where an original transcript is ordered for the use of the Commonwealth, the reporter shall furnish it without fee.

(3) In civil cases, the reporter shall be entitled to a fee of twenty cents per one hundred words for making an original transcript, to be paid forthwith by the party in whose behalf the transcript is ordered, and taxed as part of the costs of the action. The reporter shall not be required to file a transcript in any civil case without payment therefor by the party in whose behalf it is ordered.

(4) For duplicate copies of transcripts, the reporter shall be allowed one-half the amount allowed for the original, to be paid for in the same manner, or furnished without payment, as provided for the original transcript.

Sec. 3. For the purpose of paying the state's share of the salaries provided for in KRS 28.460, there hereby is appropriated out of the State Treasury, for each of the fiscal years 1950-1951 and 1951-1952, the amount necessary.

Sec. 4. This Act shall take effect on July 1, 1950.

By Mr. Love.

H. B. No. 328. AN ACT relating to the employes of horse racing associations at race meetings.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Except during the week in which the Kentucky Derby is run, at least eighty-five percent of all persons employed at any race meeting in connection with the maintenance, control and operation of the pari-mutuel betting system, including the clerks at betting windows and paying windows, by any association conducting running or trotting horse races in this state, shall be citizens and residents of Kentucky and shall have been such for at least two years prior to their employment. The State Racing Commission shall prescribe rules and regulations to enable enforcement of this Act.

Sec. 2. Violation of this Act by any racing association shall be grounds for revocation of its license to conduct race meetings.

By Messrs. Hammons and Thompson.

H. B. No. 329. AN ACT relating to carrying concealed a deadly weapon.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 435.230 of the Kentucky Revised Statutes is amended to read as follows:

(2) Sheriffs, constables, marshals, policemen and other ministerial officers when necessary for their protection in the

discharge of their official duties, and county attorneys and Commonwealth's Attorneys when accompanying a peace officer in the discharge of his official duties; United States mail carriers, when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed deadly weapons on or about their persons.

H. B. No. 330. AN ACT relating to old age assistance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Upon the approval of any application for old age assistance, such assistance shall be paid to the applicant from the date of the filing of such application.

H. B. No. 331. AN ACT relating to the fees of sheriffs.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A sheriff arresting any person guilty of violating KRS 244.170 shall be paid a fee of twenty-five dollars for such service in addition to any other fee to which he is entitled, to be taxed as cost and paid by the party convicted.

By Mr. Shaw.

H. B. No. 332. AN ACT relating to the compensation of stenographic reporters in counties having a population of 150,000 or more, amending Section 28.440 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 28.440 of the Kentucky Revised Statutes is amended to read as follows:

(1) In counties having a population of 150,000 or more, the reporter of the criminal branch of the circuit court shall receive such salary as is fixed by the presiding judge of said

branch by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court, and shall receive no other compensation from the county or state for his services as reporter. He shall receive fifteen cents per hundred words for making a transcript for a person other than the county or state. If it appears that a defendant, wishing to appeal, is unable to pay for a transcript, the court may direct the reporter to make a transcript for the defendant, and the fee may be recovered at any future time from the defendant.

(2) (a) In counties having a population of 150,000 or more, the fees of reporters serving in civil cases in the common pleas or chancery branches of the circuit court shall be fixed by the presiding judge thereof at not more than five dollars per day for taking stenographic reports, and fifteen cents per hundred words for the transcript thereof, which shall be paid forthwith by the party in whose behalf the report or transcript is ordered, and shall be taxed as a part of the costs of the action. The reporter shall not be required to file any transcript without payment therefor by the party in whose behalf it is ordered, unless the presiding judge of the division directs him to file a transcript upon the motion of a party suing in forma pauperis.

(b) Reporters of the common pleas branches and chancery branches of the court shall be paid, in addition to the fees above prescribed, such salaries as are fixed by a majority of the members of the general term of the circuit court by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court.

(3) For duplicate copies of transcripts reporters in counties having a population of 150,000 or more shall be allowed one-fifth the amount they are allowed for in the original, to be paid for in the same manner as the original.

Sec. 2. This Act shall become effective July 1, 1950.

By Mr. Jonas.

H. B. No. 333. AN ACT relating to the compensation of Commonwealth's attorneys.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Each Commonwealth's attorney shall receive an annual salary of $500 to be paid out of the State Treasury. In addition thereto and in lieu of all taxed fees and perquisites he shall be allowed the sum of $6,500 per annum out of the fines and forfeitures rendered in favor of the Commonwealth in the several courts in his district, to be paid monthly out of the fines and forfeitures collected and paid into the State Treasury each month. Except as provided in KRS 150.160 he shall receive forty percent of all fines and forfeitures recovered in prosecutions before any county judge or magistrate and all of the fines and forfeitures rendered in circuit court except that part now allowed the circuit clerk and the county attorney. When the fines and forfeitures rendered in favor of the Commonwealth in the several courts in his district in any year are not sufficient to allow him $6,500 and in the succeeding year they are sufficient to exceed that amount, he shall be paid out of the excess, if sufficient, the sum necessary to bring his compensation from fines and forfeitures for the preceding year to $6,500. In no case shall he receive more than $7,000 out of the State Treasury for any one year, but the fiscal court of any county may allow the Commonwealth's attorney for that county additional compensation as it deems proper, to be paid as other claims against the county are paid.

By Mr. Hubbard.

H. B. No. 334. AN ACT relating to who may be present with the grand jury; and transcript of testimony and compensation allowed therefor amending Section 110 Carroll's Kentucky Codes (Russell's Revision 1948).

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 110 of Carroll's Kentucky Criminal Codes is amended to read as follows:

Who may be present with grand jury; transcript of testimony. That no person except the Commonwealth's and county attorneys and the witness under examination shall be present while the grand jury is examining a charge, and no person whatever while they are deliberating or voting on the charge, except that authority is hereby given the Commonwealth's attorney to appoint a stenographer, who shall on order of the said Commonwealth's attorney, attend any session of the grand jury in any county of said district and be present during the examination of any witness or witnesses before the grand jury and shall make full and correct notes of the testimony of the witnesses, and, when ordered by the Commonwealth's attorney, shall transcribe same and deliver same to the Commonwealth's attorney, properly certified by said stenographer, and said transcript shall be kept by the said Commonwealth's attorney for his use; and said transcript may be introduced and used in court as competent and legal evidence for the purpose of contradicting any witness whose testimony was taken upon said hearing before said grand jury. For services said stenographer shall be paid a reasonable compensation upon an order of the circuit court, and paid by the fiscal court of the county where such services are rendered, but the compensation herein provided for shall not exceed the sum of ten dollars ($10.00) per day for attendance upon the hearing of said grand jury and in addition thereto not exceeding 25 cents per each one hundred words of said transcript for services in transcribing the notes of said testimony. Said stenographer shall be required, before entering upon these duties, to qualify by taking the oath required by all officers under the Constitution of Kentucky to faithfully discharge the duties as such, and said stenographer shall further be sworn not to disclose, or make known, directly or indirectly, to any person or persons, anything that occurred, was stated or given in the evidence, or transpired, bearing upon any case or investigation before the grand jury. Said stenographer shall make out a correct and full transcript of such testimony so taken, when directed to make same by the Commonwealth's attorney, and the same shall be promptly delivered to the Commonwealth's attorney. Any person indicted by

any grand jury for any crime or misdemeanor shall have a right to procure a copy of said stenographic record or any part thereof by paying the prescribed fee for said report.

By Mr. Ruh.

H. B. No. 335. AN ACT making provisions for the acquisition and installation of an electrical roll call system and appurtenances thereto in the House Chamber, providing for a Committee to contract for the purchase and installation thereof, and making an appropriation therefor.

Said bill is as follows, viz:

WHEREAS, the installation of an electrical roll call system and appurtenances thereto in the House Chamber will be an important, necessary and economical addition to the working facilities of the House of Representatives, and the use of such equipment will facilitate the functions of the House of Representatives, and will insure the accuracy of the roll calls in the House and eliminate the delay and loss of time in taking them orally,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The Speaker or Speaker Pro Tem of the House of Representatives shall appoint three members of the House, who together with the Clerk of the House as ex-officio member, shall constitute a Committee, with authority to contract for the purchase and installation of an electrical roll call system in the House of Representatives.

2. The Committee is authorized to advertise for bids for the purchase and installation of said system, to receive such bids, and to award the contract to the lowest and best bidder. In determining which is the lowest and best bidder, the Committee shall take into consideration how many successful systems the bidders have installed and how long they have been

in use, as well as the financial responsibility of the bidders and their plant facilities, and the comparative merits of their products. The Committee shall require the successful bidder to execute a bond for the faithful performance of the contract, including a guarantee for two years against faulty workmanship and materials, in penal sum equal to the contract price of the system, and by a solvent surety company authorized to do business in Kentucky, or such equivalent bond as the Committee may in its judgment see fit to demand.

3. The Committee shall proceed promptly in the discharge of the duties imposed upon it by this Act, in order that the installation may be completed and available for use by the next regular Session in January 1952.

4. For the purpose of carying out this Act, there is hereby appropriated to the Committee created by this Act, out of the general Expenditure Fund in the State Treasury, of the effective date of this Act, the sum of Sixty Thousand Five Hundred Dollars ($60,500.00). Of this sum Five Hundred Dollars ($500.00) shall be available for the use of the Committee in calling for bids and awarding the contract.

By Mr. Buckman, Jr.

H. B. No. 336. AN ACT changing the classification of the City of Shepherdsville, in Bullitt County.

Said resolution is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the population of the City of Shepherdsville, in Bullitt County, is such as to justify its being assigned to the fifth class of cities.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Shepherdsville, in Bullitt County, is transferred from the sixth class to the fifth class of cities.

By Mr. Jacobs.

H. B. No. 337. AN ACT changing the classification of the City of Augusta, in Bracken County.

Said bill is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the population of the City of Augusta, in Bracken County, is such as to justify its being assigned to the fourth class of cities,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Augusta, in Bracken County, is transferred from the fifth to the fourth class of cities.

By Messrs. Helm, Durham W. Howard and Webb.

H. B. No. 338. AN ACT relating to license plates for motor vehicles of disabled veterans.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Department of Revenue shall procure and make available to disabled veterans who have been furnished automobiles by the Federal Government under an Act of Congress, license plates for the registration year 1951 and thereafter of a different and distinctive color and inscribed with the words "Disabled Veteran." The county clerk shall issue the plates upon application accompanied by a certificate from the Veterans' Administration showing the applicant's eligibility and upon the payment of the regular registration fee.

By Mr. Hollan.

H. B. No. 339. AN ACT relating to the imposition of a license fee upon pay toilets.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (1) As used in this Act:

(a) "Pay toilet" shall mean and include any coin or token-operated enclosure or device which permits a person to gain access to a water closet as a result of depositing a coin, token or other object. Where access to more than one water closet can be gained by the deposit of a coin, token or other object, each water closet shall be deemed to be a pay toilet for the purposes of this Act.

(b) "Token" shall include chips, checks or other articles which may be used to operate a pay toilet.

(c) "Department" shall mean the Department of Revenue.

Section 2. Licenses required under this Act shall be procured by the owner of the pay toilet, except any operator, lessee, or other person, or their agents or receivers, shall be jointly liable with the owner for procuring the license. The license shall be in the nature of an excise tax for the privilege of engaging in the business of selling service by means of pay toilets. No person shall operate, permit to be operated, or use for gain any pay toilet unless a license has been secured as provided in this Act, and unless a license seal evidencing payment of the tax has been affixed to the pay toilet in such manner as the department may by regulation prescribe. No person shall operate, permit to be operated, or use for gain any pay toilet which does not have on its face instructions as to its operation. Nothing in this Act shall apply to any pay toilet kept in a regular place of business of distributors or manufacturers, without being operated, for sale or lease only.

Section 3. Applications for any license provided for in this Act shall be made in writing to the department at its offices in Frankfort, Kentucky, on forms prescribed and furnished by the department.

Section 4. (1) The department shall issue the licenses provided for in this Act to any person making application there-

for as set out herein upon payment of a tax of five dollars per annum for each pay toilet which is or may be operated.

(2) Payment of taxes under this Act shall be made by certified or cashier's check.

Section 5. All licenses issued under this Act shall be obtained on or before July 1, and shall expire on the following June 30, of each year, except, any person may procure a license to be effective only between January 1 and June 30, of any year by paying therefor a license fee of two dollars and fifty cents.

Section 6. The license provided for in this Act shall be transferable in such manner as the department may by regulation prescribe; provided, however, that every pay toilet, operated, suffered or permitted to be operated, or used for gain shall at all times bear a license seal or tag evidencing payment of the tax provided for in this Act.

Section 7. Any person required to secure a license and to pay a tax under this Act who shall fail to secure the license and pay the tax at the time required shall pay a penalty of twenty percent of the amount of the tax due and in addition thereto interest at the rate of one-half of one percent per month on the principal amount of tax during the period in which the tax is due and unpaid.

Section 8. The administration of this Act is hereby vested in the Department of Revenue subject to KRS 131.130 and other provisions of law relating to the department.

Section 9. The license tax or fee imposed by this Act shall be in addition to all other license, excise, ad valorem or other taxes to the state or any county, city or other political subdivision.

Section 10. Whoever violates any of the provisions of this Act shall, upon conviction thereof, be fined not less than twenty-five dollars nor more than five hundred dollars. Whoever attaches or causes to be attached to a pay toilet any fictitious evidence of tax payment purported to be issued by the department, or a counterfeit thereof, shall upon conviction thereof

be fined not less than one hundred dollars nor more than one thousand dollars and each separate fictitious counterfeit seal so attached or used on a pay toilet shall constitute a separate and distinct offense.

Section 11. The provisions of this Act shall not become effective until July 1, 1950.

By Mr. Smith.

H. B. No. 340. AN ACT relating to divorce.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Before any person may file a petition for a divorce in this state he must have filed, at least sixty days prior thereto, with the clerk of the circuit court of the county in which the divorce is to be sought, an affidavit declaring an intention to obtain a divorce. The affidavit shall state the names of the parties to be involved in the divorce action, the statutory grounds to be relied on, the names and ages of all children born to the couple and the efforts made for a reconciliation.

Sec. 2. Any divorce granted without an affidavit having been filed as required by Section 1 of this Act shall be null and void.

Sec. 3. The circuit court clerk shall record and index the affidavits required by Section 1 of this Act in the same manner as other public records.

Sec. 4. Any circuit court clerk violating Section 3 of this Act shall be fined not more than fifty dollars for each violation.

By Mr. Polsgrove.

H. B. No. 341. AN ACT amending the provisions for the certification of clinical psychologists, through a State Board of Examiners of Psychologists, waiver of requirement for existing practitioners and persons licensed in other States.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 319.060 of the Kentucky Revised Statutes is hereby repealed and re-enacted so that when re-enacted will read as follows:

Waiver of requirements for existing practitioners and persons licensed in another state. The board may waive either an examination or the requirements of item (d) of KRS 319.050 if it deems such action to be in the public interest with respect to any person who applies within two years from July 1, 1948, who meets the requirements of items (a), (b), and (c) of KRS 319.050, who is qualified by experience to practice clinical psychology and who has received a Master's Degree or its equivalent in psychology from any educational institution rated as acceptable as provided in KRS 319.040 and has been engaged in such practice at least three years at the time of the effective date of this Act. The board shall grant a certificate without examination to any person who at the time of application has been a practitioner of Clinical Psychology for a period of ten (10) years, and has practiced as such for a period of five (5) years last past in this Commonwealth, and was so engaged in the practice of Clinical Psychology in this Commonwealth at the time of the enactment of this Act and who meets the requirements of items (a), (b) and (c) of Section 319.050 of Kentucky Revised Statutes. A fee of twenty-five dollars shall be paid for each certificate issued under this section.

By Mrs. Stovall; Messrs. Ruh, Jonas, McPherron, Martin, Marshall, Maurice G. Howard, Mitchell, Hilton, Waterfield, Polsgrove, Tinsley, Holbrook, Spaulding, Weintraub, Shannon, Hollan, Henry, Palmore, Bridgers, Holsclaw and Houpt.

H. B. No. 342. AN ACT to repeal, amend and re-enact Sections 342.070, 342.095, 342.100, 342.105, and 342.110, Kentucky Revised Statutes, relating to Workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 342.070, Kentucky Revised Stat-

utes, be repealed, amended and re-enacted so that same, when re-enacted shall read as follows:

If death should result within two years from an accident for which compensation is payable under this chapter, the employer or his insurer shall pay to the person entitled to compensation, or, if none, then to the personal representative of the deceased employee, reasonable burial expenses of a person of the standard of living of the deceased, not to exceed the sum of $300.00, and shall also pay to or for the following persons:

(1) An immediate lump sum payment of $300.00 to the widow, in addition to all other benefits payable under this section.

(2) If there are no dependents there shall be paid, in addition to the burial expenses and medical expenses, if any, the further sum of $200.00, payment to be made to the personal representative of the deceased employee.

(3) If there are one or more wholly dependent persons 65 percent of the average weekly earnings of the deceased employee but not to exceed $30.00 nor less than $10.00 per week shall be payable, all such payments to be made for the period between the date of death and 400 weeks after the date of accident to the employee, or until the intervening termination of dependency, but in no case to exceed the maximum sum of $9,500.00.

(4) (a) If there are partly dependent persons, the payments shall be such part of what whould be payable for total dependency as the partial dependency existing at the time of the accident to the employee is proportionate to total dependency and all such payments to be made for the period between the date of death and 400 weeks after the date of the accident to the deceased employe, or until the intervening termination of dependency, but in no case to exceed in the aggregate of compensation on account of such death the maximum sum of $9,500.00.

(b) Partial dependency shall be determined by the proportion of earnings of the employe which have been contributed to such partial dependent during one year next preceding the

date of injury; if the relation of partial dependency did not exist for one year next preceding date of injury, the Board shall consider all the facts and circumstances and fix such proportion as is fair and reasonable thereunder.

(5) All relations of dependency referred to in this section shall mean dependency existing at the time of accident to the employe.

(6) If death occurs as a result of the injury after a period of total or partial disability, the period of disability shall be deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for death in this section.

Section 2. That Section 342.095, Kentucky Revised Statutes be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

(1) When the injury causes total disability for work, the employer, during such disability, except the first seven days thereof, shall pay the employee a weekly compensation equal to 65 percent of his average weekly earnings, not to exceed $30.00, nor less than $10.00 per week, such payments to be made during the period of total disability but not longer than 10 years after the date of the injury, nor in any case to exceed a maximum sum of $11,500.00. If the period of total disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of 10 years during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of $11,500.00.

(2) In case of the following injuries the disability shall be considered total and permanent:

(a) The total permanent loss of sight in both eyes.

(b) The loss of both feet at or above the ankle.

(c) The loss of both hands at or above the wrist.

(d) A similar loss of one hand and one foot.

(e) An injury to the spine, resulting in permanent and complete paralysis of both arms or both legs, or of one arm and one leg.

(f) An injury to the skull resulting in incurable insanity or imbecility.

(3) The enumeration in subsection (2) is not exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability.

Section 3. That Section 342.100, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as follows:

In case of injury resulting in temporary partial disability, the employe shall receive during such disability, except the first seven days thereof, a weekly compensation equal to 65 percent of the difference between his average weekly earnings before the injury and the average weekly earnings that he earns, or is able to earn, in some suitable employment after the injury and during such disability, not to exceed 450 weeks from the date of injury, nor exceeding the sum of $28.00 per week nor the maximum sum of $9,600.00. If partial disability follows a period of total disability, the period of total disability shall be deducted from the maximum period allowed for partial disability.

Section 4. That Section 342.105, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted, shall read as folows:

For injuries enumerated in the following schedule the employe shall receive, in addition to temporary total disability compensation for the period of actual total disability, not exceeding 20 weeks, a weekly compensation equal to 65 percent of his average weekly earnings, but not less than $10.00 per week nor exceeding $28.00 per week for the periods stated thereon:

(1) For the loss of a thumb, 65 percent of the average weekly wages during 60 weeks.

(2) For the loss of a first finger, commonly called the index finger, 65 percent of the average weekly wages during 45 weeks.

(3) For the loss of a second finger, 65 percent of the average weekly wages during 30 weeks.

(4) For the loss of a third finger, 65 percent of the average wages during 20 weeks.

(5) For the loss of a fourth finger, commonly known as the little finger, 65 percent of the average weekly wages during 15 weeks.

(6) The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of the thumb; the loss of more than one-half of the thumb shall be considered equal to the loss of the whole thumb.

(7) The loss of the third, or distal phalange, of any finger shall be considered to be equal to the loss of one-third of the finger.

(8) The loss of the middle, or second phalange, of any finger shall be considered equal to the loss of two-thirds of the finger.

(9) The loss of more than the middle and distal phalanges of any finger shall be considered equal to the loss of the whole finger, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(10) For the loss of a metacarpal bone (bone of the palm) for the corresponding thumb, finger or fingers above add 10 weeks to the number of weeks as above.

(11) For ankylosis (total stiffness of) or contractures (due to scars or injuries) which make the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

(12) For the loss of a hand, 65 percent of the average weekly wages during 150 weeks.

(13) For the loss of an arm 65 percent of the average weekly wages during 200 weeks.

(14) For the loss of one of the toes, other than the great toe, 65 percent of the average weekly wages during 10 weeks.

(15) For the loss of the great toe, 65 percent of the average weekly wages during 30 weeks.

(16) The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the toe.

(17) The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe.

(18) For the loss of a foot, 65 percent of the average weekly wages during 125 weeks.

(19) For the loss of a leg, 65 percent of the average weekly wages during 200 weeks.

(20) For the total and permanent loss of the sight of an eye, 65 percent of the average weekly wages during 100 weeks, plus an additional 20 weeks in cases where the eye ball is enucleated.

(21) For the total and permanent loss of hearing in one ear, 65 percent of the average weekly wages during 75 weeks.

Section 5. That Section 342.110, Kentucky Revised Statutes, be repealed, amended and re-enacted so that same, when re-enacted shall read as follows:

In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employe, compensation shall be determined according ot the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employe and age at the time of injury. In no event shall compensation for an injury to a member exceed the amount allowable for loss of such member. The compensation paid therefor shall be 65 percent of the average weekly earnings of the employe but not less than $10.00 nor more than $28.00, multiplied by the percentage of disability caused by the injury,

for such period as the board determines, not exceeding 450 weeks nor a maximum of $9,600.00. Compensation payable under this section shall not be affected by the earnings of the employee after the accident, whether they be the same, or greater, or less than prior to the accident. Whenever the weekly payments under this section would be less than $10.00 per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in KRS 342.020 and 342.030, is paid under any other provision of this chapter, the period during which such other compensation is paid shall be deducted from the maximum period which may be paid under this section.

By Mrs. Stovall.

H. B. No. 343. AN ACT to promote safety in the operation of stationary steam power and heating plants, and to protect property and human life against the hazard of unattended steam generating equipment and of explosion and fire resulting from the operation of such plants by unskilled, incompetent, negligent or bibulous operators: To establish an agency of the State Government, designated, The Kentucky State Board of Examiners of Stationary Boiler Operators, and prescribe the power, duties, authority, salaries and functions of such board, including its authority to make such reasonable rules and regulations, in harmony with the provisions of the Act, as may be necessary and proper to its enforcement: And to require a license and provide a system of examinations for operators of such steam generating equipment above a certain pressure or power and fix a reasonable fee for such examinations and licenses: And to appropriate the sum of Three Thousand Dollars ($3,000.00) to be expended in the organization of said board and in implementing and executing this Act: and to provide penalties for violations of the Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION I

The purpose of this Act is to promote the safety, health, peace and general welfare of the public and of industrial em-

ployers and employees by promoting safe, sanitary and desirable conditions and competent operators in heating plants, power plants, industrial plants, factories, office buildings, institutions and other places in which a stationary steam boiler or boilers, of more than thirty (30) horse power, with more than fifteen (15) pounds gauge per square inch are maintained and operated.

SECTION II

There is hereby created an Agency of the State Government designated the Kentucky State Board of Examiners for Stationary Boiler Operators. Where the word "Board" is used in this Act, shall be taken and construed to mean the Kentucky State Board of Examiners for Stationary Boiler Operators.

The Board shall consist of three (3) members, all of whom shall be appointed by the Governor: one of whom when appointed shall be designated and known as Chairman and Chief Examiner of Stationary Boiler Operators.

Members of the Board shall have the following qualifications:

(1) Shall be a citizen of the United States of America, at least twenty-five (25) years and of good moral character;

(2) Shall have been a resident engaged as a Stationary Boiler Operator or as supervisor of such occupation in the Commonwealth of Kentucky for a period of at least five (5) years immediately prior to his appointment;

(3) Each member of the Board shall continue a resident of this Commonwealth during his tenure of office.

The Governor shall, on or before July 1, 1950, appoint one member of the Board whose term of office shall be three (3) years, one member of the Board whose term of office shall be two (2) years, and one member of the Board whose term of office shall be one (1) year. All subsequent appointments shall be made for a full three (3) year term except that members of the Board appointed by the Governor to fill vacancies shall hold office only

during the unexpired term of their predecessor. All appointees of the Governor shall be eligible for re-appointment for a full three (3) year term.

The Governor shall have the power to remove any member of the Board from office who is found guilty of violating this Act or of malfeasance, misfeasance, or non-feasance in office, or for gross neglect of official duty. Before such removal, proof of such guilt shall be given the Governor either orally under oath or in the form of affidavit and such member shall be given reasonable opportunity to answer the charges made.

Each member of the Board shall receive for his service fifteen ($15.00) dollars per day—and his necessary expenses—while performing his duties.

An Executing Secretary, who shall have active charge of the office, shall be appointed by the Board; he may be either a member or a non-member of the Board, and shall receive for his services three thousand six hundred ($3,600.00) dollars per annum and his necessary expenses in performing his duties.

The Chief Examiner may call a meeting of the Board by notifying each member thereof, of the date and place of said meeting, or a written notice from the Board's Secretary, to all members thereof, signed by two (2) members of the Board will legally convene said Board for the purpose of performing all the duties and exercising all the powers conferred upon it by this Act.

No business shall be transacted in the name of the Board, unless a quorum or two (2) members be present at the meeting.

The Board is empowered and authorized to employ necessary clerical and stenographic help, assistant inspectors and other employees and fix their compensation according to law. Such employees in addition to regular pay shall receive their actual necessary expenses incurred in performing their duties, to be paid only upon itemized statements vertified by oath of employees to whom paid and subject to approval or rejection in whole or in part by the Director of Finance.

There is hereby created and established a fund of three thousand ($3,000.00) dollars to be paid to the account of the Board out of the Treasury of the Commonwealth of Kentucky, on or before July 1, 1950. Such monies are to be used in obtaining necessary offices, office equipment and supplies for the Board and in payment of its current expenses, including necessary clerical, stenographic and other employees. The office of the Board shall be established and kept at such city in Kentucky as the Board or a majority thereof shall designate.

The Board shall keep at its office, accurate and complete records of all its proceedings, relating to the issuance, refusal, renewal, suspension and revocation of license. The records shall contain the name, place of business and residence of each licensed stationary boiler operator.

SECTION III

The Board is authorized and promulgate, from time to time, such reasonable rules and regulations as in its opinion may be necessary and not inconsistent with this Act or in conflict with law, for the purpose of effectively enforcing the provision of this Act.

The Board is authorized and empowered to adopt, prescribe, promulgate and enforce such reasonable rules of operation for stationary boiler operators as it may deem necessary, with particular reference to precautions essential to safety and to prevent the destruction of human life and property.

A copy of any rule or regulation adopted and promulgated by the Board, as provided in this Act, shall be furnished the duly licensed Stationary Boiler Operators and the employers thereof; and each licensed Stationary Boiler operator shall post and display his license and the Board's rules and regulations in a conspicuous place in the boiler room where said licensee works.

Any member of the Board, or its agent or assistants, when authorized in writing by the Board, shall have authority to enter at all reasonable hours in the day or night upon the premises and into any plant, factory, building or institution equipped with any boiler for *purposes of official checking and inspection.*

If in making an inspection, any member of the Board or its agent or representative shall find any dangerously defective or inadequate boiler, he forthwith shall make a written report to the Board, setting forth such condition, and upon receipt thereof, by the Board, a copy of the report shall be mailed to the Fire Marshall of the State.

SECTION IV

This Act shall in nowise be applicable to operators of boilers as defined below and the operators of such boilers are expressly exempt from the provisions of this Act:

(a) Boilers owned by or operated under the jurisdiction of the United States Government.
(b) Boilers used principally for agricultural purposes.
(c) Boilers used in connection with the operation of portable saw mills.
(d) Boilers used in private residences or in apartment buildings having no more than eight (8) separate family units.
(e) Boilers developing not more than thirty (30) horse power and having not more than fifteen (15) pounds of gauge per square inch.

Except as otherwise provided herein, after October 1st, 1950, it shall be unlawful for any person without having a license as in this Act provided to operate within the Commonwealth of Kentucky any stationary steam boiler or boilers of more than thirty (30) horse power having more than fifteen (15) pounds of gauge per square inch.

After October 1st, 1950, it shall be unlawful for any employer to employ any person without a license as in this Act provided, to operate any stationary steam boiler or boilers of more than thirty (30) horse power and having more than fifteen (15) pounds of gauge per square inch, or for any owner of such boiler or boilers to permit any such unlicensed person to operate the same.

A "horse power" as used in this Act shall be understood to mean twelve (12) square feet of boiler heating surface.

A stationary boiler operator is hereby defined to be a person who operates a stationary boiler of more than thirty (30) horse power having more than fifteen (15) pounds of gauge per square inch, and who shall have had at least one year's experience as an apprentice.

An apprentice boiler operator is hereby defined to be a person entering into a plant under the direct supervision of a licensed boiler operator for the purpose of learning the operation of a boiler in a stationary power plant. Any person operating a boiler of less horse power that is subject to regulation under this Act may register and receive credit as an apprentice under the provisions of this Act.

SECTION V

APPLICATIONS, EXAMINATIONS AND LICENSES:

The Board shall provide a standard form for examination, composed of a questionnaire containing such interrogatories as in the opinion of the Board may be necessary to disclose the degree of experience, qualification and competence of the applicant to perform the duty of a Stationary Boiler Operator.

All applications for examination or for license to engage in the business of a Stationary Boiler Operator shall be made on printed forms furnished by the Board; said forms shall require the applicant to set forth his name, experience, age, citizenship, schooling and such other reasonable information as the Board may deem pertinent.

The proper examination fee or license fee must accompany each application in the form of a United States Postal Money Order, Certified Check or cash sent by Registered Mail.

The fee for all examinations shall be $7.00; in the event an applicant shall fail to pass upon first examination, he shall be entitled to take within one (1) year as many as two (2) additional examinations without payment of an additional examination fee.

Original license shall be granted persons qualifying to operate boilers as herein specified upon the payment of a license fee of five ($5.00) dollars and license shall be renewed annually by

all persons operating as Boiler Operators as herein described, in accordance with the above license fee. Any person desiring to become an apprentice boiler operator must register with the Board on forms provided by it. A fee of two ($2.00) dollars shall be paid at the time of such registration. The Board will not recognize or give credit for time spent in plants prior to said registration with the Board. Apprentices registering with the Board on or before October 1, 1950, shall be given full credit for time worked prior to October 1, 1950.

All fees, income and revenue received by the Board shall be applied first to payment of the expenses of the Board, including salaries, and the pay of employees; The Board shall be self-sustaining and its members and employees shall be paid only from the funds received by it. If after paying all annual expenses, the Board has accumulated any excess above eighteen thousand ($18,000.) dollars, such excess above said sum shall be conveyed into the State Treasury as part of the general revenue of the Commonwealth: All funds not in excess of eighteen thousand ($18,000.00) dollars shall be deposited with the State Treasurer, to the Board's account. Unless there is some legal dispute or question concerning them, all funds received by the Board shall be forwarded to the State Treasurer at least once every sixty (60) days.

An applicant establishing his qualifications upon examination to operate a steam boiler as described in this Act, shall be entitled upon payment of the license fee to receive a license to run for one year, and the Board shall not aribtrarily refuse to issue a license to any applicant standing a satisfactory examination and meeting of the requirements of the Act and the lawful regulations of the Board made under authority of the Act.

Original license shall be granted without examination to all Stationary Boiler Operators who are twenty-one (21) years of age, who shall be employed and operating as such in the Commonwealth of Kentucky on July 1, 1950.

Original license shall be granted without examination to all Stationary Boiler Operators who have had at least one year's experience in this Commonwealth, prior to July 1, 1950, providing such experience has been within the five (5) years immediately prior to the passage of this Act.

All applicants for original license (without examination) must be made on or before October 1, 1950, on forms provided by the Board of Examiners:

The Board shall have power to refuse to issue or renew, or it may suspend or revoke any license it has issued to any Stationary Boiler Operator for any one or more of the following causes:

(a) License obtained through fraud.

(b) Conviction of the license for a felony shown by a certified copy of the Court of Conviction.

(c) Such habitual drunkeness or habitual addiction to morphine or other habit forming drugs as to render the licensee unfit to perform his occupational duties.

(d) Permitting through neglect the existence of a known, dangerous or hazardous condition in boiler room.

(e) Permitting the water to get too low in the boiler.

(f) Carrying a higher pressure of steam in the boiler than is allowed by law or known to be safe.

(g) Unnecessary absence from post of duty.

(h) Wilfully leaving boilers before said boilers are in a safe condition to be left alone, or before they are under the actual control and management of a properly licensed person.

(i) Insanity shown by a certified copy of the Court's adjudication.

(j) The violation of this Act or the adopted rules and regulations of the Board, or gross neglect of his duties as such operator.

A person having had license or experience as Stationary Boiler Operator in another State and upon presenting satisfactory proof of same to the Board, may, upon passing the required exmination and otherwise qualifying as herein provided, be issued a Kentucky license.

The Board shall not refuse to issue or renew any license nor shall it suspend or revoke any license for any cause unless the

person objected to, has been given notice in writing of the grounds of such refusal or of such suspension or revocation and allowed a period of ten days in which to appear and present his defense to such proposed action. All trials and refusals of licenses or suspension or revocation shall be heard publicly by the Board.

SECTION VI

At least once each calendar year and at such additional times, as in the opinion of the Board may be necessary, the Board shall by written order only made, set a time and place for holding examinations and receiving applications for licenses in different sections of the State.

Such hearings shall be after due and timely notice of the time and place by publication of such order in some newspaper of general circulation in the section designated.

SECTION VII

Any person, co-partnership, firm or corporation violating any of the provisions of this Act, for which no other penalty is provided by Law of this Commonwealth, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than twenty-five ($25.00) dollars, nor more than one hundred ($100.00) dollars for each offense. Each day's violation of any provision of this Act shall constitute a separate offense.

SECTION VIII

SEPARABILITY PROVISION—If any provision of this Act or the application thereof to any person or circumstances is held unconstitutional or otherwise invalid, the remaining provisions of the Act and the applications of such provisions to other persons or circumstances shall not be affected thereby.

SECTION IX

REPEAL OF CONFLICTING ACTS—All laws and parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

By Mr. Hayes.

H. B. No. 344. AN ACT relating to the abolition of capital punishment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 431.060 of the Kentucky Revised Statutes is amended to read as follows:

Offenses are either felonies or misdemeanors. Offenses punishable with confinement in the penitentiary are felonies. All other offenses, whether at common law or made so by statute are misdemeanors.

Sec. 2. Section 431.070 of the Kentucky Revised Statutes is amended to read as follows:

A common-law offense, for which punishment is prescribed by statute, shall be punishable only in the mode so prescribed.

Sec. 3. Section 433.140 of the Kentucky Revised Statutes is amended to read as follows:

Any person who commits robbery or burglary or any act penalized by KRS 433.130, and in committing the act uses or displays any pistol, gun or other firearm or deadly weapon shall be punished by confinement in the penitentiary for life.

Sec. 4. Section 433.150 of the Kentucky Revised Statutes is amended to read as follows:

Any person who, with an offensive weapon or instrument, unlawfully and maliciously assaults another, or who in any forcible and violent manner demands any money, goods or chattels, bond, bill, deed or will or other evidence of right, or other thing of value from any person, with an intent to rob or commit a robbery upon him, shall be punished by confinement in the penitentiary for twenty-one years or for life.

Sec. 5. Section 435.010 of the Kentucky Revised Statutes is amended to read as follows:

Any person who commits willful murder shall be punished by confinement in the penitentiary for life.

Sec. 6. Section 435.030 of the Kentucky Revised Statutes is amended to read as follows:

Any person who violates any of the provisions of KRS 432.020 to 432.050 shall be punished by confinement in the penitentiary for life, if the death of any person occurs in the course of or by reason of the violation, or the violation contributes to the death.

Sec. 7. Subsection (1) of Section 435.060 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who willfully obstructs any public road or private passway by stretching or placing any obstruction dangerous to the traveling public on or across it, and thereby causes a person to suffer a fatal injury, shall be punished by confinement in the penitentiary for life.

Sec. 8. Subsection (2) of Section 435.070 of the Kentucky Revised Statutes is amended to read as follows:

(2) Any person who takes part in and with any mob shall be punished by confinement in the penitentiary for life, if the person in custody meets death at the hands of the mob.

Sec. 9. Subsection (1) of Section 435.080 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who commits rape upon a child under twelve years of age shall be punished by confinement in the penitentiary for life.

Sec. 10. Section 435.090 of the Kentucky Revised Statutes is amended to read as follows:

Any person who unlawfully carnally knows a female of and above twelve years of age against her will or consent, or by force or while she is insensible, shall be punished by confinement in the penitentiary for life without privilege of parole, or by confinement in the penitentiary for life, or by confinement

in the penitentiary for not less than ten years nor more than twenty years.

Sec. 11. Subsection (1) of Section 435.100 of the Kentucky Revised Statutes is amended to read as follows:

(1) Except as provided in subsection (2) of this section, any male person who carnally knows, with her consent, any female child, not his wife, and any female person who carnally knows and male child, not her husband, shall:

(a) If the child is under twelve years of age, be punished by confinement in the penitentiary for not less than twenty nor more than fifty years.

(b) If the child is of the age of twelve years and under sixteen, be confined in the penitentiary for not less than five nor more than twenty years.

(c) If the child is of the age of sixteen years and under eighteen, be confined in the penitentiary for not less than two years nor more than ten years, unless it is shown by the evidence, beyond a reasonable doubt, that the prosecutrix is sexually immoral or has a reputation for sexual immorality, in which case the defendant shall be fined not more than five hundred dollars. In all prosecutions for carnally knowing a female between the age of sixteen and eighteen years, previous acts of sexual immorality committed by the female and her general reputation for sexual immorality may be proven.

Sec. 12. Subsection (1) of Section 435.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who, forcibly or otherwise, holds another against his will to unlawfully obtain a ransom for his release, or who aids or abets any person thus offending, shall be punished by confinement in the penitentiary for life.

Sec. 13. Section 435.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who recklessly throws a stone or other missile at or into, or shoots at or into, any railroad engine or cars attached to the engine, passenger coach, any station or

station platform occupied by any person, or at or into any motor vehicle, stationary or traveling upon any public highway in this state, shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than six nor more than twelve months.

(2) If the missile thrown or the shot fired was calculated to produce death or great bodily harm, and any person on or in the engine, cars, coach, station, station platform or motor vehicle is injured or wounded the person so throwing or shooting shall be confined in the penitentiary for not less than one nor more than five years, and should death ensue from such throwing or shooting within one year thereafter the person guilty of the throwing or shooting shall be punished by confinement in the penitentiary for life.

Sec. 14. Section 6 of the Criminal Code of Practice is amended to read as follows:

A felony is an offense of which the punishment is confinement in the penitentiary.

Sec. 15. Section 75 of the Criminal Code of Practice is amended to read as follows:

In all cases, in the circuit court, when the defendant shall have been convicted of a felony, except in cases where the jury has inflicted life imprisonment; and except cases where the defendant has been convicted of robbery or burglary, or having in possession burglarious tools, as denounced and punished by Section 433.120 of the Kentucky Revised Statutes; and except convictions for robbery of bank, or safe, as denounced by Sections 433.130, 433.140 and 433.160 of the Kentucky Revised Statutes; and except convictions for assault with intent to rob, as denounced by Section 433.150 of the Kentucky Revised Statutes; and except convictions for kidnapping and holding a person for ransom, and denounced by section 435.140 of the Kentucky Revised Statutes; and except convictions for voluntary manslaughter where the punishment exceeds confinement in the penitentiary for five years he shall be permitted to execute bond pending his appeal to the Court of Appeals.

The substance of such bond shall be that he will render himself amenable to the orders and process of the courts, and if his case is affirmed he will surrender himself to the sheriff of the county of his conviction within thirty days after the affirmance has become final, to be taken by such sheriff to prison as provided in the judgment of conviction or if his case shall be reversed, he will appear in the next term of the circuit court in which he was convicted, which does not begin within less than ten days of the reversal of the judgment of the circuit court, again to answer said charge.

The bond shall be for a penal sum sufficient to secure the defendant's appearance or his surrender to the court in execution of the judgment if it should be affirmed, and it may be executed before the circuit court or the trial judge at any time before the record is filed in the Court of Appeals, and after that time it may be executed before the Clerk of the Court of Appeals, and in all cases where a bond is allowable hereunder it shall be the duty of the trial judge to fix the sum for which it may be given by an order made a part of the judgment, and which amount so fixed shall govern the authority taking the the bond as herein provided for. In either case the bond may be adjudged to be forfeited by order of the circuit court for non-compliance with its terms by the defendant.

Sec. 16. Section 210 of the Criminal Code of Practice is amended to read as follows:

A challenge for implied bias may be made—

1. If the juror be related by consanguinity, or affinity, or stand in the relation of guardian and ward, attorney and client, master and servant, landlord and tenate, employer and employed on wages, or be a member of the family of the defendant, or of the person alleged to be injured by the offense charged, or on whose complaint the prosecution was instituted.

2. If he be adverse to the defendant in a civil suit, or have complained against or been accused by him in a criminal prosecution.

3. If he have served on the grand jury which found the indictment, or on the coroner's jury which inquired into

the death of the party, whose death is the subject of the indictment.

4. If he have served on a trial jury, which has tried another person for the offense charged in the indictment.

5. If he have been one of a former jury sworn to try the same indictment, and whose verdict was set adide, or who were discharged without a verdict.

6. If he have served as a juror in a civil action brought against the defendant for the act charged in the indictment.

Sec. 17. Section 244 of the Criminal Code of Practice is amended to read as follows:

(1) On the trial of offenses which are or may be punished by life imprisonment the jurors after they are accepted, if all of the same sex, shall not be permitted to separate, but shall be kept together, in charge of the proper officers. But if the jury consists of both male and female, then the sexes of such jury may be permitted to separate during the trial and when necessary after final submission of the case, each sex, being kept together in charge of an officer of like sex, as if two separate juries. On the trial of other felonies the jurors, before the case is submitted to them, may be permitted to separate in the discretion of the court, but after the case is submitted they shall be kept together in charge of officers. On the trial of misdemeanors the jurors may be permitted to separate, or the court may order them to be kept together.

(2) On the trial of crimes which are or may be punished by life imprisonment the jurors, before the case is submitted to them, may be permitted to separate by agreement of the attorney for the Commonwealth and the attorney for the defendant, with the approval of the trial judge, which shall be in open court and entered of record; provided the consent or approval may be withdrawn before any recess or adjournment of court.

Sec. 18. Section 293 of the Criminal Code of Practice is amended to read as follows:

If a judgment of confinement, either in the penitentiary or the county jail, be pronounced, a certified copy thereof must be furnished forthwith to the sheriff, who shall thereupon execute it, and no other warrant or authority is necessary to its execution.

Sec. 19. Section 300 of the Criminal Code of Practice is amended to read as follows:

The sheriff shall make a written return of the execution of the judgment of imprisonment, and file the same with the clerk of the court in ten days after such execution.

Sec. 20. Sections 431.220 to 431.270 of the Kentucky Revised Statutes and Sections 290, 294 to 297, and 346 of the Criminal Code of Practice are repealed.

By Mr. Lambert.

H. Res. No. 43. A JOINT RESOLUTION authorizing Clayton Whitaker and Cora A. Whitaker, of Rockcastle County, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Clayton Whitaker and Cora A. Whitaker are authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Rockcastle Circuit Court, for damages resulting from property damage alleged to have been caused by the negligent construction and maintenance of a highway on the part of employes of the Department of Highways and the Commonwealth of Kentucky while acting within the scope of their employment.

Said suit shall be for a sum not in excess of $2,000.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Ken-

tucky herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Ordered that said bills and said resolutions be printed and referred.

The Committees to which the same had been referred reported bills of the following titles, viz:

By Mr. Bernam Adams of the Committee on Cities of the Third Class.

H. B. No. 311. AN ACT relating to the payment of expense allowances to certain county officers and employes in counties containing a city of the third class.

By Mr. Baer of the Committee on Codes of Practice.

S. B. No. 79. AN ACT relating to civil practice and procedure and particularly the code of practice in civil cases; providing for a civil code committee; prescribing powers and duties of such committee and additional powers and duties of the Statute Revision Commission; and making an appropriation.

H. B. No. 247. AN ACT to amend and re-enact Section 586 of the Kentucky Civil Code of Practice.

H. B. No. 240. AN ACT to amend and re-enact Section 336, Criminal Code of Practice, relating to the time, manner and form

of appealing and the suspension of a judgment in a criminal proceeding.

H. B. No. 239. AN ACT to amend and re-enact Section 334 Civil Code of Practice relating to exceptions and time for preparing and filing a bill of exceptions.

By Mr. Steers of the Committee on Cities of the Fourth Class.

S. B. No. 4. AN ACT to repeal, amend and re-enact Section 95.768 Kentucky Revised Statutes, 1946 Edition, providing for establishment of a police and firemen's pension fund in cities of the fourth class and for the source, custody, investment and disbursement of said fund.

By Mr. Hanratty of the Committee on Kentucky Statutes No. 1.

S. B. No. 46. AN ACT relating to Judicial Districts; creating an additional district and making changes in the apportionment of counties to the Twenty-Eighth and Twenty-Ninth Judicial Districts in order to comply with the meaning and intent of the Constitution with respect to the division of the State into Judicial Districts.

With Committee amendment to said bill by way of substitute therefor.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz:

AN ACT relating to Judicial Districts; creating an additional district and making changes in the apportionment of counties to the Twenty-Fourth, Twenty-Eighth, Twenty-Ninth and Thirty-First Judicial Districts in order to comply with the meaning and intent of the Constitution with respect to the division of the State into Judicial Districts; providing for continuation in office of the present Circuit Judges and Commonwealth's Attorney and creating the offices of Circuit Judge and Commonwealth's Attorney

for the new district established by this Act; and providing for the holding of Court in each district affected by this Act.

WHEREAS, the General Assembly has given due regard to the elements of territory, business and population involved in the division of the State into judicial districts; and

WHEREAS, with such due regard, the General Assembly has found the following facts to exist:

1. That the entire population of the State as of the last preceding Federal census, is 2,845,627.

2. That upon the basis of such population, additional judicial districts may be established to those now existing, pursuant to Sections 128.132, and 138 of the Constitution.

3. That the County of Floyd had a population as of the last preceding Federal Census of more than fifty thousand; that the present population of the County of Floyd is now more than sixty thousand; and thus said County has the privilege under Section 138 of the Constitution of constituting a judical district.

4. That the three counties of Lawrence, Johnson and Martin, taken together had a population, as of the last preceding Federal Census, of approximately the same as that of Floyd County; that the said three counties taken together would constitute a judicial district complying with the intent and purpose of the Constitution.

5. That currently, and heretofore, the amount of business of the Circuit Court in Floyd County is and was greater than the amount of business in the Circuit Courts of the three counties of Lawrence, Johnson and Martin taken together.

6. That in the present 31st Judicial District comprised of the Counties of Floyd and Martin, in order to go from one of these counties to the other, it is necessary to travel through the County of Johnson; that the three counties of Lawrence, Johnson, and Martin are contiguous each to the other and are therefore geographically homogenous.

7. That it will be convenient and advantageous from the standpoint of territory, and will comply with the spirit and intent of the Constitution with respect to population and expedite the business of the courts in the counties involved, to create a new judicial district to consist of the Counties of Clinton, Russell and Wayne, and to change the Twenty-fourth, Twenty-eighth, Twenty-ninth, and Thirty-first Judicial Districts so they will consist of the following counties:

Twenty-fourth District—Lawrence, Johnson and Martin.

Twenty-eighth District—Pulaski and Rockcastle.

Twenty-ninth District—Adair, Casey, Cumberland and Monroe.

Thirty-first District—Floyd.

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The Twenty-fourth, Twenty-eighth, Twenty-ninth and Thirty-first Judicial Districts shall hereafter be composed of the following counties:

Twenty-fourth District—Lawrence, Johnson and Martin

Twenty-eighth District—Pulaski and Rockcastle

Twenty-ninth District—Adair, Casey, Cumberland and Monroe

Thirty-first District—Floyd

Sec. 2. A new judicial district is established to be numbered the Fortieth Judicial District and to consist of the Counties of Clinton, Russell and Wayne.

Sec. 3. The present circuit judges and Commonwealth's Attorneys for the Twenty-fourth, Twenty-Eighth, Twenty-Ninth,

and Thirty-first Judicial Districts, as now constituted, shall retain their respective offices, for the terms for which they were elected, for the said districts as they have been changed under this Act.

Sec. 4. The offices of circuit judge and Commonwealth's Attorney for the new judicial district established by this Act, being the Fortieth Judicial District, are hereby created. Until the regular election for circuit judge and Commonwealth's Attorney in 1951, said offices shall be filled as provided in Section 152 of the Constitution for offices in which there is a vacancy.

Sec. 5. The regular term of each court in the judicial districts dealt with by this Act shall commence in each county at the following named times, and continue, if the business requires it, the number of days hereinafter prescribed:

Twenty-fourth District. Johnson County, at Paintsville, on the third Monday in January, the third Monday in April, and the second Monday in September, twenty-four juridical days each.

Lawrence County, at Louisa, on the second Monday in March, the third Monday in June, and the fourth Monday in October, twenty-four juridical days each.

Martin County, at Inez, on the third Monday in February, eighteen juridical days, the third Monday in May, and the fourth Monday in November, twenty-four juridical days each.

Twenty-eighth District. Pulaski County, at Somerset, on the second Monday in January, thirty-six juridical days; on the second Monday in April, forty-eight juridical days; on the third Monday in July, twenty-four juridical days; and on the third Monday in October forty-eight juridical days.

Rockcastle County, at Mt. Vernon, on the fourth Monday in February, the third Monday in June, and the second Monday in September, twenty-four juridical days each.

Twenty-Ninth District. Adair County, at Columbia, on the first Monday in March, twelve juridical days; on the first Monday in July, eighteen juridical days; on the first Wednesday after the first Monday in November, ten juridical days.

Casey County, at Liberty, on the first Monday in February, eighteen juridical days; on the first Monday in June and September, twelve juridical days each.

Cumberland County, at Burkesville, on the third Monday in March, eighteen juridical days; on the third Monday in August and November, twelve juridical days each.

Monroe County, at Tompkinsville, on the second Monday in April, eighteen juridical days; on the first Monday in August and December, twelve juridical days each.

Thirty-first District. Floyd County, at Prestonsburg, on the first Monday in January, twenty-four juridical days; on the first Monday in February, eighteen juridical days; on the first Monday in March and the first Monday in April, twenty-four juridical days each; on the first Monday in May, eighteen juridical days; on the first Monday in June, twenty-four juridical days; on the first Monday in September, eighteen juridical days; and on the first Monday in October and on the second Monday in November, twenty-four juridical days each.

Fortieth District. Clinton, County, at Albany, on the second Monday in January, on the fourth Monday in April, and on the first Monday in September, eighteen juridical days each.

Russell County, at Jamestown, on the second Monday in February, on the fourth Monday in May, and on the first Monday in October, twenty-four juridical days each.

Wayne County, at Monticello, on the third Monday in March, on the first Monday in July, and on the second Monday in November, twenty-four (24) juridical days each.

Sec. 6. This Act shall take effect on August 28, 1950.

Sec. 7. If any provision or portions of this Act, or the application of such provision or portions to any judicial district or districts effected hereby should be held invalid, the remainder of this Act and the application of such remaining provisions to

any other judicial district or districts shall not be effected thereby.

By Mr. Polsgrove of the Committee on Courts.

H. B. No. 192. AN ACT relating to notaries public, examiners or other officers authorized to take depositions, with particular reference to the fees of such officers and the rights of such officers in taking depositions or statements under oath.

By Mr. Holbrook of the Committee on Soil Conservation and Erosion.

H. B. No. 199. AN ACT providing for flood control districts, as political subdivisions of the Commonwealth of Kentucky, to maintain and operate flood control works.

By Mr. Head of the Committee on Public Health.

H. B. No. 262. AN ACT relating to barbiturates.

H. B. No. 208. AN ACT relating to the sealing and closing of abandoned water, gas or oil wells, vertical mine shafts, cisterns or other artifically created openings in the earth.

S. B. No. 27. AN ACT relating to the practice of dentistry.

By Mr. Bernam Adams of the Committee on Cities of the Third Class.

S. B. No. 75. AN ACT changing the classification of the City of Somerset, in Pulaski County.

With the expression of opinion that same should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

By Mr. Runyan of the Committee on Education No. 1.

H. B. No. 102. AN ACT relating to teachers' retirement, amending subsection (3) of section 161.620 of the Kentucky Revised Statutes.

H. B. No. 128. AN ACT relating to the teaching of a course in citizenship in the common schools.

H. B. No. 164. AN ACT relating to the certification of school teachers.

H. B. No. 230. AN ACT relating to teachers' retirement.

H. B. No. 250. AN ACT relating to the certification of school teachers, supervisors, and administrators.

With the expression of opinion that same should not pass.

No motion having been made to advance said bills to a first reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken on said bills, it was ordered that said bills be not read at length.

And so said bills were rejected.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

S. B. No. 3. AN ACT to amend chapter 324 of Kentucky Revised Statutes relating to real estate brokers and salesmen by adding thereto provisions regulating the qualifications of and examinations for applicants of licenses of real estate brokers and salesmen.

H. B. No. 159. AN ACT authorizing cities to lease space on parking meter posts for purposes of advertising, and providing for disposition of the proceeds realized therefrom.

H. B. No. 4. AN ACT relating to representative districts, with particular relation to the ninety-fifth district.

H. B. No. 61. AN ACT relating to compensation of commissioners serving on fiscal courts in counties having a fiscal court composed of the county judge and three commissioners.

H. Res. No. 37. A JOINT RESOLUTION authorizing Alvin Adkins, of Paintsville, Kentucky, to sue the Commonwealth of Kentucky.

H. Res. No. 34. A JOINT RESOLUTION authorizing J. L. Collins and I. E. Patterson, individually, and as partners, doing business as Central Kentucky Gas Company, and Henry Ray and Frances Lee Ray, to sue the University of Kentucky and/or the Trustees of the University of Kentucky.

H. Res. No. 9. A RESOLUTION appropriating from the General Fund the sum of One Hundred and twenty-seven Dollars and fifty cents ($127.50) to pay a claim for services rendered by F. J. Alsop of Hawesville, Kentucky, in making a survey of abandoned coal mines in Hancock County.

H. Res. No. 26. A RESOLUTION authorizing Philip Thompson to sue the Commonwealth of Kentucky.

S. B. No. 49. AN ACT changing the classification of the City of Richmond, in Madison County, and declaring an emergency to exist.

H. B. No. 215. AN ACT changing the classification of the City of London, in Laurel County.

H. B. No. 206. AN ACT relating to election of council members in cities of the fourth class not having a commission or city manager form of government.

H. B. No. 123. AN ACT relating to elections, including all the elections provided for by Chapter 89 of the Kentucky Revised Statutes.

H. B. No. 255. AN ACT relating to elections, both regular and primary, with particular relation to the hours the polls are

to be open, and the hour the board of election commissioners shall meet for the purpose of counting the ballots.

H. B. 231. AN ACT relating to the purgation of voters.

H. B. No. 218. AN ACT relating to qualification, registration and purgation of voters.

H. B. No. 219. AN ACT to amend and reenact Section 126.160 and Section 126.170 and Section 126.990, Kentucky Revised Statutes, relating to absent voting, providing for form of application for ballots, affidavits, verification of registration, preservation of applications for all absentee voters' ballots, registration of applicants in Armed Forces, and providing a penalty for the violation thereof.

Ordered that said bills and said resolutions be read at length the second time.

Mr. Hanratty moved that the Constitutional provision as to the second reading at length of said bills and said resolutions be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and said resolutions having been dispensed with, said bills and said resolutions were read at length by their titles only and

Ordered placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H.B. No. 140. AN ACT relating to the escheat of funds represented by unclaimed pari-mutuel winning tickets.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A new section of the Kentucky Revised Statutes is created, to be numbered KRS 393.095, and to read as follows:

All funds represented by unclaimed pari-mutuel winning tickets held in this state by any person, association or corporation operating a pari-mutuel or similar system of betting at running or trotting horse race tracks shall be presumed abandoned, within the meaning of KRS Chapter 393, if not claimed by the person entitled thereto within two years from the time the ticket became payable.

Mr. Buckman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Clarence J. Barnum	R. O. Blevins
Bill Adams	C. E. Baumgardner	L. E. Bradley
Edgar Arnett	Leonard T. Bean	Edward O. Bridgers
Sidney Baer	John D. Beatty	Thomas L. Britton
Walter J. Bailey	Fred Beshear	Charles J. Bronston

J. D. Buckman, Jr.	Durham W. Howard	Dr. Roy Sanders
Mrs. M. E. Burnett	Maurice G. Howard	Roy Searcy
Charles W. Burnley	Robert N. Hubbard	Paul E. Shannon
Stanley Carter	Silas Jacobs	James S. Shaw
Paul Combs	Paul S. Jonas	Gus Sheehan, Jr.
Josh R. Cosby	Barkley Jones	Jesse H. Shelton
B. H. Crider	William Jones	Forest Smith
Owen Deering	Jesse H. Lawrence	Joseph T. Snapp
G. I. Drury	Mrs. J. T. Linton	John M. Spaulding
Thomas R. Duncan	Homer E. Losey	Roy Steers
R. C. Estepp, Sr.	A. L. (Chick) Love	Raymond D. Stigall
Mitchell S. Fannin	Harry K. Lowman	Mrs. Thelma Stovall
Henry C. Hale	True Mackey	W. R. Stringer
C. A. Hammons	Wm. T. Marshall	Egbert V. Taylor
James P. Hanratty	Jack McPherron	M. G. Thompson
Paul E. Hayes	Alton Mitchell	Rev. T. Herbert Tinsley
John A. Head	Archie R. Moore	
Harold G. Helm	Emmett G. Moore	Ralph N. Walter
William K. Henry	Dr. C. E. Palmore	Fred M. Warns
E. R. Hilton	James H. Polsgrove	Harry Lee Waterfield
Ray Holbrook	Hobart Rayburn	Morris Weintraub
Woodrow W. Hollan	W. R. Reasor	G. F. Williamson
Chester J. Holsclaw	Carl J. Ruh	Charles W. Wirsch
W. M. Horn, Jr.	Amos Runyan	—84

Resolved that the title thereof be as aforesaid.

Mr. Buckman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 141. AN ACT relating to revenue and taxation of Public Utility Gross Receipts; amending Section 136.250 Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 136.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) By the last day of each month each taxpayer shall mail to or file with the Department of Revenue a verified report of the total gross receipts of the preceding month, with such additional information as the department may require for enforcement of the provisions of KRS 136.240 to 136.260. The taxpayer shall remit with the report the amount of tax due under KRS 136.240. The department, on the basis of information which it is authorized to secure, or on the basis of an audit of the return, may require additional payments if found to be due. Each taxpayer shall keep and preserve such records as the department may require to facilitate enforcement of the provisions of KRS 136.240 to 136.260.

(2) No taxpayer shall fail or refuse to make the returns prescribed by this section or refuse to permit the Department of Revenue or its agents appointed by it in writing to examine his records, papers, files and equipment pertaining to the gross receipts made taxable by KRS 136.240. No person shall make an incomplete, false or fraudulent return under this section, or do or attempt to do anything to avoid full disclosure of the amount of business done or to avoid the payment of the tax or penalties due.

(3) Any taxpayer who fails to pay the tax due under KRS 136.240 in the time specified by this section shall pay a penalty equal to twenty per cent of the amount of tax due and delinquent, and in adidtion thereto interest at six per cent per annum on both the original amount of tax and the penalty.

Mr. Reasor moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul E. Hayes	Emmett G. Moore
Bill Adams	John A. Head	James H. Polsgrove
Edgar Arnett	Harold G. Helm	Hobart Rayburn
Sidney Baer	William K. Henry	W. R. Reasor
Walter J. Bailey	E. R. Hilton	Carl J. Ruh
Clarence J. Barnum	Ray Holbrook	Amos Runyan
C. E. Baumgardner	Woodrow W. Hollan	Dr. Roy Sanders
John D. Beatty	Chester J. Holsclaw	Roy Searcy
Fred Beshear	W. M. Horn	James S. Shaw
R. O. Blevins	Richard R. Houpt	Gus Sheehan, Jr.
L. E. Bradley	Durham W. Howard	Jesse H. Shelton
Edward O. Bridgers	Maurice G. Howard	Forest Smith
Thomas L. Britton	Silas Jacobs	John M. Spaulding
Charles J. Bronston	Paul S. Jonas	Roy Steers
J. D. Buckman, Jr.	Barkley Jones	Raymond D. Stigall
Mrs. M. E. Burnett	William Jones	Mrs. Thelma Stovall
Charles W. Burnley	Jesse H. Lawrence	W. R. Stringer
Stanley Carter	Mrs. J. T. Linton	Egbert V. Taylor
Paul Combs	Homer E. Losey	M. G. Thompson
R. Josh Cosby	A. L. (Chick) Love	Rev. T. Herbert
B. H. Crider	Harry K. Lowman	Tinsley
Owen Deering	True Mackey	Ralph N. Walter
G. I. Drury	Damon Majors	Fred M. Warns
Thomas R. Duncan	John Martin	Harry Lee Waterfield
R. C. Estepp, Sr.	Wm. T. Marshall	Lyle H. Webb
Mitchell S. Fannin	Jack McPherron	Morris Weintraub
Henry C. Hale	Alton Mitchell	G. F. Williamson
C. A. Hammons	Dr. C. E. Palmore	Charles W. Wirsch
James P. Hanratty		—48

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 137. AN ACT relating to revenue and taxation of amusement admissions; amending Section 138.030 Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 138.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The proprietor of each place of amusement or entertainment subject to the provisions of KRS 138.010 to 138.080 shall, by the last day of each month, make return to the Department of Revenue on such forms as it may prescribe, setting out the total gross receipts from the place of business, the amount paid as a separate charge for admission, the amount paid for food or drink, the number of admissions of each price class sold, and such additional information as the Department may require. This return shall be accompanied by a certified or cashier's check payable to the State Treasurer for the amount of tax due; except that the Department may waive this requirement and accept the proprietor's check where the proprietor is of sound financial condition and has established a good record of compliance with the requirements of KRS 138.010 to 138.080.

(2) Any proprietor who fails to make any such returns or give any such information within the time prescribed, or who fails to pay the tax within the time and in the manner prescribed, shall pay a penalty of ten percent of the tax due, with interest at one percent per month or part thereof, or two dollars if the penalty and interest is less than two dollars.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul Combs	Chester J. Holsclaw
Bill Adams	R. Josh Cosby	W. M. Horn
Sidney Baer	B. H. Crider	Richard R. Houpt
Walter J. Bailey	Owen Deering	Durham W. Howard
Clarence J. Barnum	Thomas R. Duncan	Maurice G. Howard
C. E. Baumgardner	R. C. Estepp, Sr.	Robert N. Hubbard
Leonard T. Bean	Mitchell S. Fannin	Silas Jacobs
John D. Beatty	Henry C. Hale	Paul S. Jonas
Fred Beshear	C. A. Hammons	Barkley Jones
R. O. Blevins	James P. Hanratty	William Jones
L. E. Bradley	John A. Head	Jesse H. Lawrence
Edward O. Bridgers	Harold G. Helm	Mrs. J. T. Linton
Charles J. Bronston	William K. Henry	Homer E. Losey
J. D. Buckman, Jr.	E. R. Hilton	A. L. (Chick) Love
Mrs. M. E. Burnett	Ray Holbrook	Harry K. Lowman
Stanley Carter	Woodrow W. Hollan	True Mackey

Damon Majors	Amos Runyan	W. R. Stringer
John Martin	Dr. Roy Sanders	Egbert V. Taylor
Wm. T. Marshall	LeRoy Saylor	M. G. Thompson
Jack McPherron	Paul E. Shannon	Rev. T. Herbert Tinsley
Alton Mitchell	James S. Shaw	
Archie R. Moore	Gus Sheehan, Jr.	Ralph N. Walter
Emmett G. Moore	Jesse H. Shelton	Fred M. Warns
Dr. C. E. Palmore	Forest Smith	Lyle H. Webb
James H. Polsgrove	John M. Spaulding	Morris Weintraub
Hobart Rayburn	Roy Steers	G. F. Williamson
W. R. Reasor	Raymond D. Stigall	Charles W. Wirsch
Carl J. Ruh	Mrs. Thelma Stovall	—82

Resolved that the title thereof be as aforesaid.

Mr. Holsclaw moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a bill of the following title, viz:

S. B. No. 30. AN ACT relating to nonprofit corporations, associations or societies, amending Section 273.050 of the Kentucky Revised Statutes, and declaring an emergency.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 146. AN ACT amending Section 45.230 of the Kentucky Revised Statutes extending the time from three months

to one year in which obligations incurred by the Department of Highways may be paid.

Mr. Hanratty moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 142. AN ACT providing for the employment of a county road engineer, and establishing his qualifications, and in the alternative for the employment of a county road supervisor, and establishing his qualifications, and providing for temporary employes, for examinations, for salaries, and for contracts between counties for joint employment of the same employe, and for other purposes related thereto; and amending KRS 179.020.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 179.020 of the 1948 Edition of the Kentucky Revised Statutes is hereby repealed, amended, and re-enacted, to read as follows:

(1) The county judge of each county, with the consent of the fiscal court, may employ a county road engineer. Any person so employed shall be either a civil or highway engineer licensed in accordance with Chapter 322 of the Kentucky Revised Statutes, or a person who has successfully passed an examination for county road engineer under this Section prior to its amendment by the 1950 General Assembly, and who has qualified and served as such; provided however, that after the effective date of the 1950 amendment to this Section, no further examinations for county road engineer shall be given.

(2) If the fiscal court does not provide for a county road engineer, the duties of said county road engineer, except insofar as they may be in conflict with the provisions of Chapter

322 of the Kentucky Revised Statutes, shall be performed by a county road supervisor, who shall be employed by the county judge with the consent of the fiscal court, and who may be removed in the same manner provided for county road engineers. No person shall be employed as county road supervisor unless he shall meet the following requirements:

(a) He shall have at least three years practical road building experience of a nature satisfactory to examining authorities selected by the College of Engineering, University of Kentucky, and

(b) He shall have passed an examination, either oral or written, or both, given by said examining authorities, and shall have received a Certificate of Qualification from said authorities.

(3) The county surveyor may be employed as county road engineer, if qualified under Subsection (1) of this Section, or as county road supervisor if qualified under Subsection (2) hereof, and for his services as engineer or supervisor he shall receive a salary in addition to fees allowed by law for his services as county surveyor.

(4) When no qualified applicant who is acceptable to the fiscal court is available for employment, the county judge, with the consent of the fiscal court, may employ a temporary supervisor not qualified under Subsection (2) of this Section for a period of three months, but in no event shall a temporary supervisor be used for more than three months during any one term of a county judge.

(5) This Section shall not be construed to prohibit the supervision of the construction and maintenance of roads, without additional compensation, by the county judge, or by committees of the fiscal court, in counties where the position of road engineer or road supervisor has not been established by the fiscal court, or in accordance with the provisions of KRS 179.080 to 179.100, in counties where the roads are worked by hands as provided in KRS 179.120.

(6) Two or more counties, by a contract approved by order of the fiscal court of each of the counties, may authorize the county judges of the contracting counties to employ the

same employe as county road engineer or county road supervisor to serve in all counties so contracting, and for the apportionment of the amount of his salary to be paid by each county.

(7) The period of employment for any county road engineer or county road supervisor shall be two or four years, in the discretion of the fiscal court, beginning with the second Tuesday in January of an even-numbered year. Other terms of employment, and the salaries of all persons employed under the provisions of this Section, shall be fixed by the fiscal court.

WHEREAS, the period of weather favorable to road building is about to begin, and it will be beneficial to many counties to obtain the services of county road engineers and county road supervisors, under the terms of this Act, as soon as possible.

NOW, THEREFORE, an emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor, or from and after such time as this Act becomes a law without the approval of the Governor.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul E. Hayes	James H. Polsgrove
Sidney Baer	William K. Henry	W. R. Reasor
Walter J. Bailey	E. R. Hilton	Amos Runyan
Clarence J. Barnum	Ray Holbrook	Dr. Roy Sanders
C. E. Baumgardner	Chester J. Holsclaw	Paul E. Shannon
Leonard T. Bean	W. M. Horn	James S. Shaw
John D. Beatty	Richard R. Houpt	Jesse H. Shelton
Fred Beshear	Robert N. Hubbard	Forest Smith
Edward O. Bridgers	Silas Jacobs	Joseph T. Snapp
J. D. Buckman, Jr.	Paul S. Jonas	Raymond D. Stigall
Mrs. M. E. Burnett	Barkley Jones	Mrs. Thelma Stovall
Charles W. Burnley	William Jones	W. R. Stringer
Stanley Carter	J. H. Lawrence	Egbert V. Taylor
Paul Combs	Mrs. J. T. Linton	M. G. Thompson
R. Josh Cosby	A. L. (Chick) Love	Rev. T. Herbert Tinsley
Owen Deering	Harry K. Lowman	
G. I. Drury	True Mackey	Ralph N. Walter
Thomas R. Duncan	G. Lee McClain	Fred M. Warns
Mitchell S. Fannin	Jack McPherron	G. F. Williamson
James P. Hanratty	Dr. C. E. Palmore	—58

Those who voted in the negative were—

Edgar Arnett	Durham W. Howard	Hobart Rayburn
R. O. Blevins	J. W. Lambert	LeRoy Saylor
Thomas L. Britton	Homer E. Losey	Roy Searcy
Charles J. Bronston	John Martin	J. Claude Stacy
R. C. Estepp, Sr.	Wm. T. Marshall	Roy Steers
Henry C. Hale	Alton Mitchell	Harry Lee Waterfield
C. A. Hammons	Archie R. Moore	Lyle H. Webb
Harold G. Helm	Emmett G. Moore	Charles W. Wirsch
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Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 131. AN ACT relating to bonds of state officers and employees.

Mr. Hanratty moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

Mr. Holbrook moved that the rules be suspended and the privilege of the floor extended to Suedell Carpenter and Ruby Amburgy.

Said motion was unanimously agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 57. AN ACT relating to the State Fair Board, amending Section 247.110 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 247.110 of the Kentucky Revised Statutes is amended to read as follows:

The State Fair Board shall elect from among such members as the Governor shall appoint a President and a Vice-President. The Board shall elect and employ a Secretary who shall be responsible directly to the Board as the keeper of all records pertaining to the operation of the Fair or the business of the Board. The manager provided for in KRS 247.130 shall be ex-officio Treasurer to the Board.

Mr. William Jones offered the following amendment to said bill, viz:

Said amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	G. I. Drury	J. H. Lawrence
Edgar Arnett	Thomas R. Duncan	Mrs. J. T. Linton
Walter J. Bailey	Mitchell S. Fannin	A. L. (Chick) Love
Clarence J. Barnum	Henry C. Hale	Harry K. Lowman
C. E. Baumgardner	James P. Hanratty	True Mackey
Leonard T. Bean	Paul E. Hayes	Damon Majors
John D. Beatty	John A. Head	Wm. T. Marshall
Fred Beshear	Harold G. Helm	G. Lee McClain
R. O. Blevins	William K. Henry	Jack McPherron
L. E. Bradley	E. R. Hilton	Archie R. Moore
Edward O. Bridgers	Ray Holbrook	Emmett G. Moore
Thomas L. Britton	Woodrow W. Hollan	Dr. C. E. Palmore
Charles J. Bronston	Chester J. Holsclaw	Hobart Rayburn
J. D. Buckman, Jr.	W. M. Horn	W. R. Reasor
Mrs. M. E. Burnett	Richard R. Houpt	Carl J. Ruh
Charles W. Burnley	Durham W. Howard	Amos Runyan
Stanley Carter	Silas Jacobs	LeRoy Saylor
Paul Combs	Paul S. Jonas	Roy Searcy
R. Josh Cosby	Barkley Jones	Paul E. Shannon
B. H. Crider	William Jones	James S. Shaw
Owen Deering	J. W. Lambert	Gus Sheehan, Jr.

Jesse H. Shelton	W. R. Stringer	Lyle H. Webb
Forest Smith	Egbert V. Taylor	Morris Weintraub
John M. Spaulding	M. G. Thompson	G. F. Williamson
Roy Steers	Rev. T. H. Tinsley	Charles W. Wirsch
Raymond D. Stigall	Ralph N. Walter	
Mrs. Thelma Stovall	Fred M. Warns	—80

There voted in the negative—

C. A. Hammons —1

Resolved that the title thereof be as aforesaid.

Mr. William Jones moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 5. A RESOLUTION authorizing Mrs. J. H. Stewart, Administratrix of the estate of Hay Stewart, deceased, to file suit against the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

WHEREAS, Hay Stewart, a corporal and member of the 149th Infantry, Company "A", Kentucky National Guard, stationed at Harlan in Harlan County, Kentucky, in 1933; and

WHEREAS, in the month of August or September, 1933, said Company and said Hay Stewart, a member and a non-commissioned officer thereof, was called into the active service of the State during election troubles in said county growing out of and incident to the primary election of August, 1933 in said county; and

WHEREAS, while the said Hay Stewart was on active duty at and about the Court House of said County, and before the said National Guard became Federalized, he was permanently injured by reason of exposure and arduous and exacting guard duty and exposure to the elements during heavy rains and inclement weather; and

WHEREAS, the said Hay Stewart did not contribute in any way to the sickness, injury and disease with which he became afflicted and from which he continuously suffered by reason of said injuries at all times up to and including the time of his death on November 26, 1944; and

WHEREAS, as the result of said injuries and exposure by day and by night he then became permanently injured and sick in body and mind and suffered excruciating physical pain and mental anguish and was caused to incur great expense for physicians and hospital treatment and medicines;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Mrs. J. H. Stewart, Administratrix of the estate of Hay Stewart, is hereby authorized to sue the Commonwealth of Kentucky for the sum of Twenty-Five Thousand ($25,000.00) Dollars in the Harlan Circuit Court or in the Franklin Circuit Court, the county of the present residence of said administratrix. Such claim, suit or judgment may be settled or compromised upon approval of the Attorney General and certified by the Department of Finance for payment when or if settled or adjudicated, and when or if so settled or adjudicated shall be paid as follows:

The Director of Finance will draw his warrant on the State Treasurer for the amount of any such judgment, settlement or compromise, and the State Treasurer will issue his check for said sum payable to Mrs. J. H. Stewart, Administratrix of the estate of Hay Stewart, all of which shall be drawn upon and paid out of the General Fund.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence on the part of the Commonwealth and this resolution shall not be introduced as evidence or commented upon by counsel in the argument of the case to the jury.

Either party to any such suit may appeal from any judgment entered therein to the Court of Appeals as in any other civil action.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Thomas L. Britton	Thomas R. Duncan
Edgar Arnett	Charles J. Bronston	R. C. Estepp, Sr.
Sidney Baer	J. D. Buckman, Jr.	Mitchell S. Fannin
Walter J. Bailey	Mrs. M. E. Burnett	Henry C. Hale
Clarence J. Barnum	Charles W. Burnley	C. A. Hammons
C. E. Baumgardner	Stanley Carter	James P. Hanratty
Leonard T. Bean	Paul Combs	Paul E. Hayes
Fred Beshear	R. Josh Cosby	John A. Head
R. O. Blevins	B. H. Crider	Harold G. Helm
L. E. Bradley	Owen Deering	William K. Henry
Edward O. Bridgers	G. I. Drury	Ray Holbrook

Woodrow W. Hollan	William T. Marshall	Jesse H. Shelton
Chester J. Holsclaw	G. Lee McClain	Forest Smith
W. M. Horn	Jack McPherron	Joseph T. Snapp
Richard R. Houpt	Archie R. Moore	John M. Spaulding
Durham W. Howard	Emmett G. Moore	Roy Steers
Maurice G. Howard	Dr. C. E. Palmore	Raymond D. Stigall
Silas Jacobs	James H. Polsgrove	Mrs. Thelma Stovall
Paul S. Jonas	Hobart Rayburn	W. R. Stringer
Barkley Jones	W. R. Reasor	Egbert V. Taylor
William Jones	Carl J. Ruh	M. G. Thompson
James W. Lambert	Amos Runyan	Rev. T. H. Tinsley
Mrs. J. T. Linton	Dr. Roy Sanders	Ralph N. Walter
A. L. (Chick) Love	LeRoy Saylor	Fred M. Warns
Harry K. Lowman	Roy Searcy	Harry Lee Waterfield
True Mackey	Paul E. Shannon	Lyle H. Webb
Damon Majors	James S. Shaw	Morris Weintraub
John Martin	Gus Sheehan, Jr.	G. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 16. A RESOLUTION authorizing Buford Keeton of Lookout, Pike County, Kentucky, by his guardian or next friend to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That BUFORD KEETON, of Lookout, Pike County, Kentucky, is authorized to sue the Commonwealth of Kentucky, in the Pike Circuit Court, for damages resulting from personal

injuries and for medical expenses caused by alleged negligence on the part of the Commonwealth of Kentucky, its Department of Highways, by and through its officers, agents and employees, acting or failing to act in the line of duty as agents of the Commonwealth.

§ 2. The Attorney General of the Commonwealth of Kentucky, may investigate the claim herein and settle same before or after suit is filed if he deems settlement to be to the best interest of the Commonwealth. Any amount recovered in any action filed pursuant to this Resolution, or by settlement with the Attorney General, shall be paid out of the road fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

§ 3. No statement in this Resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul E. Hayes	James H. Polsgrove
Edgar Arnett	John A. Head	Hobart Rayburn
Sidney Baer	Harold G. Helm	W. R. Reasor
Walter J. Bailey	William K. Henry	Carl J. Ruh
Clarence J. Barnum	Ray Holbrook	Amos Runyan
C. E. Baumgardner	Woodrow W. Hollan	Dr. Roy Sanders
Leonard T. Bean	Chester J. Holsclaw	LeRoy Saylor
Fred Beshear	W. M. Horn	Roy Searcy
R. O. Blevins	Richard R. Houpt	Paul E. Shannon
L. E. Bradley	Durham W. Howard	James S. Shaw
Edward O. Bridgers	Maurice G. Howard	Gus Sheehan, Jr.
Thomas L. Britton	Silas Jacobs	Jesse H. Shelton
Charles J. Bronston	Paul S. Jonas	Forest Smith
J. D. Buckman, Jr.	Barkley Jones	Joseph T. Snapp
Mrs. M. E. Burnett	William Jones	John M. Spaulding
Charles W. Burnley	James W. Lambert	Roy Steers
Stanley Carter	Mrs. J. T. Linton	Raymond D. Stigall
Paul Combs	A. L. (Chick) Love	Mrs. Thelma Stovall
R. Josh Cosby	Harry K. Lowman	W. R. Stringer
B. H. Crider	True Mackey	Egbert V. Taylor
Owen Deering	Damon Majors	M. G. Thompson
G. I. Drury	John Martin	Rev. T. H. Tinsley
Thomas R. Duncan	William T. Marshall	Ralph N. Walter
R. C. Estepp, Sr.	G. Lee McClain	Fred M. Warns
Mitchell S. Fannin	Jack McPherron	Harry Lee Waterfield
Henry C. Hale	Archie R. Moore	Lyle H. Webb
C. A. Hammons	Emmett G. Moore	Morris Weintraub
James P. Hanratty	Dr. C. E. Palmore	G. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 15. A RESOLUTION authorizing Annie Blackwell of Lookout, Pike County, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That ANNIE BLACKWELL, of Lookout, Pike County, Kentucky, is authorized to sue the Commonwealth of Kentucky, in the Pike Circuit Court, for damages to her automobile caused by alleged negligence on the part of the Commonwealth of Kentucky, its Department of Highways, by and through its officers, agents and employees, acting or failing to act in the line of duty as agents of the Commonwealth.

The Attorney General of the Commonwealth of Kentucky, may investigate the claim herein and settle same before or after suit is filed if he deems settlement to be to the best interest of the Commonwealth. Any amount recovered in any action filed pursuant to this Resolution, or by settlement with the Attorney General, shall be paid out of the road fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with,

said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul E. Hayes	James H. Polsgrove
Edgar Arnett	John A. Head	Hobart Rayburn
Sidney Baer	Harold G. Helm	W. R. Reasor
Walter J. Bailey	William K. Henry	Carl J. Ruh
Clarence J. Barnum	Ray Holbrook	Amos Runyan
C. E. Baumgardner	Woodrow W. Hollan	Dr. Roy Sanders
Leonard T. Bean	Chester J. Holsclaw	LeRoy Saylor
Fred Beshear	W. M. Horn	Roy Searcy
R. O. Blevins	Richard R. Houpt	Paul E. Shannon
L. E. Bradley	Durham W. Howard	James S. Shaw
Edward O. Bridgers	Maurice G. Howard	Gus Sheehan, Jr.
Thomas L. Britton	Silas Jacobs	Jesse H. Shelton
Charles J. Bronston	Paul S. Jonas	Forest Smith
J. D. Buckman, Jr.	Barkley Jones	Joseph T. Snapp
Mrs. M. E. Burnett	William Jones	John M. Spaulding
Charles W. Burnley	James W. Lambert	Roy Steers
Stanley Carter	Mrs. J. T. Linton	Raymond W. Stigall
Paul Combs	A. L. (Chick) Love	Mrs. Thelma Stovall
R. Josh Cosby	Harry K. Lowman	W. R. Stringer
B. H. Crider	True Mackey	Egbert V. Taylor
Owen Deering	Damon Majors	M. G. Thompson
G. I. Drury	John Martin	Rev. T. H. Tinsley
Thomas R. Duncan	William T. Marshall	Ralph N. Walter
R. C. Estepp, Sr.	G. Lee McClain	Fred M. Warns
Mitchell S. Fannin	Jack McPherron	Harry Lee Waterfield
Henry C. Hale	Archie R. Moore	Lyle H. Webb
C. A. Hammons	Emmett G. Moore	Morris Weintraub
James P. Hanratty	Dr. C. E. Palmore	G. F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 13. A RESOLUTION authorizing Marlene Bartley of Lookout, Pike County, Kentucky, by her guardian or next friend to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That MARLENE BARTLEY, of Lookout, Pike County, Kentucky, is authorized to sue the Commonwealth of Kentucky, in the Pike Circuit Court, for damages resulting from personal injuries and for medical expenses caused by alleged negligence on the part of the Commonwealth of Kentucky, its Department of Highways, by and through its officers, agents and employees, acting or failing to act in the line of duty as agents of the Commonwealth.

The Attorney General of the Commonwealth of Kentucky, may investigate the claim herein and settle same before or after suit is filed if he deems settlement to be to the best interest of the Commonwealth. Any amount recovered in any action filed pursuant to this Resolution, or by settlement with the Attorney-General, shall be paid out of the road fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer. In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Henry C. Hale	Wm. T. Marshall
Edgar Arnett	C. A. Hammons	G. Lee McClain
Sidney Baer	James P. Hanratty	Jack McPherron
Walter J. Bailey	Paul E. Hayes	Archie R. Moore
Clarence J. Barnum	John A. Head	Emmett G. Moore
C. E. Baumgardner	Harold G. Helm	Dr. C. E. Palmore
Leonard T. Bean	William K. Henry	James H. Polsgrove
Fred Beshear	Ray Holbrook	Hobart Rayburn
R. O. Blevins	W. W. Hollan	W. R. Reasor
L. E. Bradley	Chester J. Holsclaw	Carl J. Ruh
Edward O. Bridgers	W. M. Horn	Amos Runyan
Thomas L. Britton	Richard R. Houpt	Dr. Roy Sanders
Charles J. Bronston	Durham W. Howard	LeRoy Saylor
J. D. Buckman, Jr.	Maurice G. Howard	Roy Searcy
Mrs. M. E. Burnett	Silas Jacobs	Paul E. Shannon
Charles W. Burnley	Paul S. Jonas	James S. Shaw
Stanley Carter	Barkley Jones	Gus Sheehan, Jr.
Paul Combs	William Jones	Jesse H. Shelton
R. Josh Cosby	James W. Lambert	Forest Smith
B. H. Crider	Mrs. J. T. Linton	Joseph T. Snapp
Owen Deering	A. L. (Chick) Love	John M. Spaulding
G. I. Drury	Harry K. Lowman	Roy Steers
Thomas R. Duncan	True Mackey	Raymond D. Stigall
R. C. Estepp, Sr.	Damon Majors	Mrs. Thelma Stovall
Mitchell S. Fannin	John Martin	W. R. Stringer

Egbert V. Taylor	Ralph N. Walter	Lyle H. Webb
M. G. Thompson	Fred M. Warns	Morris Weintraub
Rev. T. H. Tinsley	Harry Lee Waterfield	George F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a resolution of the following title, viz:

H. Res. No. 14. A RESOLUTION authorizing Richard Blackwell of Lookout, Pike County, Kentucky, by his guardian or next friend to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Richard Blackwell, of Lookout, Pike County, Kentucky, is authorized to sue the Commonwealth of Kentucky, in the Pike Circuit Court, for damages resulting from personal injuries and for medical expenses caused by alleged negligence on the part of the Commonwealth of Kentucky, its Department of Highways, by and through its officers, agents and employees, acting or failing to act in the line of duty as agents of the Commonwealth.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems settlement to be to the best interest of the Commonwealth. Any amount recovered in any action filed pursuant to this Resolution, or by settlement with the Attorney General, shall be paid out of the road fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer. In the

event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said resolution be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said resolution be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said resolution having been dispensed with, said resolution was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	J. D. Buckman, Jr.	C. A. Hammons
Edgar Arnett	Mrs. M. E. Burnett	James P. Hanratty
Sidney Baer	Charles W. Burnley	Paul E. Hayes
Walter J. Bailey	Stanley Carter	John A. Head
Clarence J. Barnum	Paul Combs	Harold G. Helm
C. E. Baumgardner	R. Josh Cosby	William K. Henry
Leonard T. Bean	B. H. Crider	Ray Holbrook
Fred Beshear	Owen Deering	W. W. Hollan
R. O. Blevins	G. I. Drury	Chester J. Holsclaw
L. E. Bradley	Thomas R. Duncan	W. M. Horn
Edward O. Bridgers	R. C. Estepp, Sr.	Richard R. Houpt
Thomas L. Britton	Mitchell S. Fannin	Durham W. Howard
Charles J. Bronston	Henry C. Hale	Maurice G. Howard

Silas Jacobs	Emmett G. Moore	Joseph T. Snapp
Paul S. Jonas	Dr. C. E. Palmore	John M. Spaulding
Barkley Jones	James H. Polsgrove	Roy Steers
William Jones	Hobart Rayburn	Raymond D. Stigall
James W. Lambert	W. R. Reasor	Mrs. Thelma Stovall
Mrs. J. T. Linton	Carl J. Ruh	W. R. Stringer
A. L. (Chick) Love	Amos Runyan	Egbert V. Taylor
Harry K. Lowman	Dr. Roy Sanders	M. G. Thompson
True Mackey	LeRoy Saylor	Rev. T. H. Tinsley
Damon Majors	Roy Searcy	Ralph N. Walter
John Martin	Paul E. Shannon	Fred M. Warns
Wm. T. Marshall	James S. Shaw	Harry Lee Waterfield
G. Lee McClain	Gus Sheehan, Jr.	Lyle H. Webb
Jack McPherron	Jesse H. Shelton	Morris Weintraub
Archie R. Moore	Forest Smith	George F. Williamson

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Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said resolution was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 95. AN ACT relating to penalties for violation of laws concerning pharmacists, amending Section 315.990 of the Kentucky Revised Statutes.

With Committee amendment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 315.990 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person violating subsection (1) of KRS 315.020 shall be fined not less than one hundred dollars nor more than

one thousand dollars or imprisoned in the county jail for not more than six months, or both.

(2) Any person who violates subsection (2) of KRS 315.020 shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense. Each week that this subsection is violated shall constitute a separate offense.

(3) Any person who violates subsection (3) of KRS 315.020 shall be fined not less than fifty dollars nor more than two hundred dollars for each offense.

(4) Any person violating KRS 315.030 shall be fined for each offense not less than one hundred dollars nor more than one thousand dollars or imprisoned in the county jail for six months, or both. Each week that an establishment is operated in violation of KRS 315.030 shall constitute a separate offense.

(5) Any proprietor or person in charge of a pharmacy who violates subsection (2) or (3) of KRS 315.080 shall be fined not less than twenty dollars nor more than one hundred dollars for each offense.

(6) Any person who violates KRS 315.100 shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

(7) Any licensed pharmacist or assistant pharmacist who is habitually intoxicated shall be fined not less than twenty-five dollars nor more than fifty dollars for each offense.

Said Committee amendment to said bill is as follows, viz:

Amend printed copy of House Bill 95, on Page 2, Section 1, Subsection (7), Line 28, by striking therefrom the words "each offense." and inserting in lieu thereof the following:

"the first and second offenses, and upon conviction of the third offense, his license shall be revoked by the State Board of Pharmacy."

Said Committee amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. Warns moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Mitchell S. Fannin	A. L. (Chick) Love
Sidney Baer	Henry C. Hale	Damon Majors
Walter J. Bailey	C. A. Hammons	John Martin
Clarence J. Barnum	James P. Hanratty	G. Lee McClain
C. E. Baumgardner	Paul E. Hayes	Jack McPherron
Fred Beshear	John A. Head	Alton Mitchell
R. O. Blevins	Harold G. Helm	Emmett G. Moore
L. E. Bradley	E. R. Hilton	Dr. C. E. Palmore
Edward O. Bridgers	Ray Holbrook	James H. Polsgrove
Thomas L. Britton	W. W. Hollan	W. R. Reasor
Charles J. Bronston	Chester J. Holsclaw	Carl J. Ruh
J. D. Buckman, Jr.	Richard R. Houpt	Amos Runyan
Mrs. M. E. Burnett	Durham W. Howard	LeRoy Saylor
Charles W. Burnley	Maurice G. Howard	Roy Searcy
Stanley Carter	Robert N. Hubbard	Paul E. Shannon
Paul Combs	Silas Jacobs	James S. Shaw
R. Josh Cosby	Paul S. Jonas	Gus Sheehan, Jr.
B. H. Crider	Barkley Jones	Jesse H. Shelton
Owen Deering	William Jones	Forest Smith
G. I. Drury	Mrs. J. T. Linton	Joseph T. Snapp

John M. Spaulding	Egbert V. Taylor	Lyle H. Webb
Roy Steers	M. G. Thompson	Morris Weintraub
Raymond D. Stigall	Rev. T. H. Tinsley	George F. Williamson
Mrs. Thelma Stovall	Fred M. Warns	
W. R. Stringer	Harry Lee Waterfield	—73

Resolved that the title thereof be as aforesaid.

Mr. Warns moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Snapp moved that the House do now recess for fifteen minutes.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

The Speaker announced that he had referred bills and resolutions heretofore introduced, as follows:

H. B. No. 318. Committee on Cities of Second Class.
H. B. No. 319. Committee on Revenue and Taxation No. 1.
H. B. No. 320. Committee on Kentucky Statutes No. 2.
H. B. No. 321. Committee on Ways and Means.
H. B. No. 322. Committee on Agriculture No. 1.
H. B. No. 323. Committee on Alcoholic Control No. 1.
H. B. No. 324. Committee on Cities of First Class.
H. B. No. 325. Committee on Labor.
H. B. No. 326. Committee on Kentucky Statutes No. 1.
H. Res. No. 39. Committee on Kentucky Statutes No. 1.
H. Res. No. 40. Committee on Appropriations.
H. Res. No. 41. Committee on Claims.
H. Res. No. 42. Committee on Claims.

Mr. Hanratty moved that the House do now adjourn to meet again at 10 o'clock, a.m., Friday, February 17, 1950.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 17, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by the Reverend William P. Wilhoyte, pastor of the Church of the Nazarene, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams	Paul E. Hayes	Fred H. Morgan
Bill Adams	John A. Head	C. S. Nabb
Edgar Arnett	Harold G. Helm	Dr. C. E. Palmore
Sidney Baer	William K. Henry	James H. Polsgrove
Walter J. Bailey	E. R. Hilton	Hobart Rayburn
Clarence J. Barnum	Ray Holbrook	W. R. Reasor
C. E. Baumgardner	W. W. Hollan	Carl J. Ruh
Leonard T. Bean	W. M. Horn	Dr. Roy Sanders
John D. Beatty	Durham W. Howard	LeRoy Saylor
Fred Beshear	Maurice G. Howard	Roy Searcy
R. O. Blevins	Robert N. Hubbard	Paul E. Shannon
L. E. Bradley	Silas Jacobs	Gus Sheehan, Jr.
Edward O. Bridgers	Paul S. Jonas	Jesse H. Shelton
Thomas L. Britton	Barkley Jones	Forest Smith
Charles J. Bronston	William Jones	Joseph T. Snapp
J. D. Buckman, Jr.	James W. Lambert	John M. Spaulding
Mrs. M. E. Burnett	Jesse H. Lawrence	J. Claude Stacy
Charles W. Burnley	Mrs. J. T. Linton	Roy Steers
Stanley Carter	Homer E. Losey	Raymond D. Stigall
Paul Combs	A. L. (Chick) Love	Mrs. Thelma Stovall
R. Josh Cosby	Harry K. Lowman	W. R. Stringer
B. H. Crider	True Mackey	Egbert V. Taylor
Owen Deering	Damon Majors	M. G. Thompson
G. I. Drury	John Martin	Rev. T. H. Tinsley
Thomas R. Duncan	Wm. T. Marshall	Ralph N. Walter
R. C. Estepp, Sr.	G. Lee McClain	Fred M. Warns
Mitchell S. Fannin	Jack McPherron	Harry Lee Waterfield
Henry C. Hale	Alton Mitchell	Lyle H. Webb
C. A. Hammons	Archie R. Moore	George F. Williamson
James P. Hanratty	Emmett G. Moore	Charles W. Wirsch
George F. Harris	Walter R. Moorman	Adron Doran, Speaker

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Mr. Baer moved that leaves of absence be granted to Messrs. Calvert, Holsclaw, Houpt, Preston, Runyan, Shaw and Weintraub.

Said motion was agreed to.

Mr. Harris moved that the reading of the Journal of the proceedings of Thursday, February 16, 1950, be dispensed with and the same be approved.

Said motion was agreed to.

Mr. Baumgardner moved that the rules be suspended and the privilege of the floor extended to Mrs. Edith Higdon, of Jefferson County.

Said motion was unanimously agreed to.

Bills of the following titles were introduced, viz:

By Mr. Baer.

H. B. No. 345. AN ACT relating to reimbursement to school districts for school services provided for children of school age who are inmates of state institutions operated by a state agency; also making appropriations for the purposes of this Act.

Said bill is as follows, viz:

WHEREAS, the children of school age who are inmates of state institutions, operated by a state agency, are committed and sent to such institutions from various localities of the state, for custody, maintenance, care and education, and

WHEREAS, the said children in these state institutions are wards of the state,

NOW, THEREFORE, in order to prevent any unfair discrimination against and unjust financial burden on, the taxpayers in such localities,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In any locality where a state agency operates a state institution in which children of school age are now or may be hereafter furnished common school services (including elementary and high school services) by a county school district or an independent school district, the state shall pay to such school district an amount of money sufficient to pay for all the costs and expenses of providing such school services for such children over and above any per capita distribution from the school fund received by said school district by reason of such children's presence in the school district. The school services so provided shall be similar to such services furnished the other children of school age who are residents of said district.

§ 2. The said school district shall make an annual report in writing to the Superintendent of Public Instruction and to the state agency operating such institution, setting forth the school services provided for such children. The said school district shall also make an application addressed to the Superintendent of Public Instruction requesting reimbursement of the excess cost of such school services provided for children in such state institution over and above the per capita distribution from the state school fund received for said school year by said school district for such children.

§ 3. Upon the approval, by the Superintendent of Public Instruction, of the application for reimbursement, the Department of Finance shall draw its warrant upon the State Treasurer in favor of the Treasurer of the school district, for the amount of the said excess cost. The State Treasurer shall pay such warrants out of funds in the State Treasury that have been appropriated for the purpose.

§ 4. There is hereby made a special appropriation from the General Expenditure Fund in the State Treasury, the sum of $35,000.00 each year for the fiscal years 1950-1951 and 1951-1952 to be used for reimbursing such county school districts which provide such common school services for children of school age in state institutions operated by a state agency.

H. B. No. 346. AN ACT appropriating money out of the General Expenditure Fund in the State Treasury for the operation, maintenance and support of The Children's Hospital, in

Louisville, Kentucky, for the fiscal years ending June 30, 1951 and June 30, 1952.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund in the State Treasury for each of the fiscal years beginning July 1, 1950 and ending June 30, 1951, and beginning July 1, 1951 and ending June 30, 1952, the sum of Fifty Thousand Dollars ($50,000.00), for the operation, maintenance and support of The Children's Hospital, in Louisville, Kentucky.

By Mr. Hubbard.

H. B. No. 347. AN ACT changing the classification of the City of Hodgenville, in Larue County.

Said bill is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the population of the City of Hodgenville, in Larue County, is such as to justify its being assigned to the fifth class of cities,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Hodgenville, in Larue County, is transferred from the sixth class to the fifth class of cities.

H. B. No. 348. AN ACT relating to newspaper advertising required by law, amending Section 424.030 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 424.030 of the Kentucky Revised Statutes is amended to read as follows:

For all newspaper advertising required by law, the publisher is entitled to receive as full compensation at the rate of seventy-five cents per linear inch, single column, solid, eight-point measure, for each insertion. Advertisements in judicial proceedings shall be taxed as costs by the clerk of the court. The rates of advertising in a daily newspaper shall not exceed one dollar twenty-five cents per linear inch per insertion.

Ordered that said bills be printed and referred.

The Committees to which the same had been referred, reported bills and a resolution of the following titles, viz:

By Mr. Burnley of the Committee on Ways and Means.

H. B. No. 19. AN ACT empowering justices of the peace to serve on county road committees and providing for payment of a per diem therefor, amending subsection (3) of Section 67.110 of the Kentucky Revised Statutes.

With Committee amendments thereto.

Said Committee amendments to said bill are as follows, viz:

Committee Amendment No. 1. Amend printed copy of House Bill No. 19 on Page 1, Line 6, by inserting, immediately after the word "where," the following words:

"there is no county surveyor or county road engineer and"

Committee Amendment No. 2. Amend printed copy of House Bill No. 19 on Page 1, Line 11. Strike the entire line and substitute in lieu thereof the following:

"thirty-five days in any one calendar year."

S. B. No. 62. AN ACT to amend subsection (2) of KRS 140.030, relating to inheritance taxes.

By Mr. Barnum of the Committee on Cities of the First Class.

H. B. No. 268. AN ACT relating to Planning and Zoning Commissions in cities of the first class and counties containing such cities, amending Section 100.037 of Kentucky Revised Statutes.

H. B. No. 259. AN ACT amending and re-enacting KRS 100.096 relating to zoning and planning in cities of the first class and counties containing such cities.

By Mr. Hanratty of the Committee on Kentucky Statutes No. 1.

H. B. No. 280. AN ACT relating to revenue and taxation.

H. B. No. 195. AN ACT relating to acknowledgements of legal instruments.

H. B. No. 227. AN ACT to amend KRS Sections 58.010, 58.020, 58.040 and 58.130 and relating to public projects and governmental agencies and their definitions and to their acquisition by, and to public project revenue bonds issuable by, governmental units, agencies and instrumentalities.

H. B. No. 182. AN ACT relating to parental and marital duties and obligations, with particular relation to desertion, abandonment or failure to provide maintenance or support for a child or wife, and the custody of children; amending KRS 435.240.

H. B. No. 252. AN ACT to repeal Kentucky Revised Statutes Section 186.445 now bearing a title reading "License for child to operate motor vehicle of not more than five horse power."

H. B. No. 286. AN ACT relating to the defining of theaters for licensing purposes and the licensing of same.

H. Res. No. 39. A JOINT RESOLUTION providing for the purchase and distribution of copies of the Kentucky Directory, 1950 Edition.

H. B. No. 279. AN ACT relating to revenue and taxation.

H. B. No. 281. AN ACT relating to income taxation.

H. B. No. 224. AN ACT relating to the power of arrest of a peace officer.

H. B. No. 289. AN ACT relating to advertisement for bids for the printing contracts for the first four classes.

H. B. No. 285. AN ACT relating to revenue and taxation.

H. B. No. 223. AN ACT providing signals to be used by the operators of vehicles in indicating intention to stop or turn.

H. B. No. 294. AN ACT amending Section 44.050 of Kentucky Revised Statutes, relating to the purchase and use of motor passenger vehicles out of state funds.

H. B. No. 151. AN ACT relating to fees allowed for the taking of depositions and the performing of other services, amending Section 64.290 of the Kentucky Revised Statutes.

H. B. No. 284. AN ACT relating to revenue and taxation.

By Mr. Polsgrove of the Committee on Courts.

H. B. No. 46. AN ACT relating to judicial districts.

By Mr. Duncan of the Committee on Life and Casualty Insurance.

H. B. No. 181. AN ACT providing for the purchase of liability and indemnity insurance for pupils attending the common schools and authorizing school boards to purchase same.

By Mrs. Burnett of the Committee on Appropriations.

H. B. No. 144. AN ACT relating to the distribution of the House and Senate Journals, amending Section 57.310 of the Kentucky Revised Statutes.

By Mr. Searcy of the Committee on Education No. 2.

H. B. No. 300. AN ACT relating to schoolteachers; amending Section 161.790 of the Kentucky Revised Statutes.

H. B. No. 301. AN ACT relating to schoolteachers; amending Section 161.760 of the Kentucky Revised Statutes.

By Mr. Spaulding of the Committee on Cities of the Second Class.

H. B. No. 298. AN ACT relating to public ways in cities of the second class having the commission form of government.

H. B. No. 175. AN ACT relating to compensation of reporters for circuit courts of continuous session in counties having a population of less than 150,000, and in circuit courts not of continuous session in counties containing a city of the second class, amending Section 28.450 of the Kentucky Revised Statutes.

H. B. No. 214. AN ACT relating to Civil Service employes in cities of the second and third classes, amending subsection (6) of Section 90.350 of the Kentucky Revised Statutes and providing for the manner of filling vacancies, and making promotions in the classified positions under City Civil Service.

By Mrs. Linton of the Committee on Kentucky Statutes No. 2.

H. B. No. 75. AN ACT relating to Judicial Districts; creating an additional district and making changes in the apportionment of counties to the Twenty-Eighth and Twenty-ninth Judicial Districts in order to comply with the meaning and intent of the Constitution with respect to the division of the State into Judicial Districts.

By Mr. McClain of the Committee on Insurance, Fire and Marine.

H. B. No. 116. AN ACT relating to insurance.

With Committee amendments thereto.

Said Committee amendments to said bill are as follows, viz:

Committee Amendment No. 1. Page 3, Section 1, KRS 304.013 (1) (b), line 9, immediately following the word "fraternal," strike the word "benefits" and substitute in lieu thereof "benefit".

Committee Amendment No. 2. Page 6, Section 1, KRS 304.023 (1), line 2, immediately following the word "court," strike the word "or" and substitute in lieu thereof the word "of".

Committee Amendment No. 3. Page 13, Section 1, 304.046 (5), line 23, immediately following the word "request," strike the word "reasonable" and substitute in lieu thereof "seasonably".

Committee Amendment No. 4. Page 14, Section 1, KRS 304.052 (1), line 1, strike the word "The" which appears in the printed bill as "the" and insert in lieu thereof the word "The".

Committee Amendment No. 5. Page 15, Section 1, KRS 304.052 (1), Line 16, strike the word "a" and substitute in lieu thereof the word "an".

Committee Amendment No. 6. Page 15, Section 1, KRS 304.061 (1), line 2, delete the words "State" defined.

Committee Amendment No. 7. Page 20, Section 1, KRS 304.077, line 1, immediately following the word "requirement," insert the punctuation mark ",".

Committee Amendment No. 8. Page 21, Section 1, KRS 304.078, line 12, strike the word "domestic" which appears in the original bill as "domesitc" and substitute in lieu thereof the word "domestic".

Committee Amendment No. 9. Page 26, Section 1, KRS 304.095 (1), line 5, strike the word "then" which appears in the original bill as "than" and substitute in lieu thereof the word "then".

Committee Amendment No. 10. Page 27, Section 1, KRS 304.097 (1), line 17, strike the word "forthwith" which appears in the original bill as "forwith" and substitute in lieu thereof the word "forthwith".

Committee Amendment No. 11. Page 36, Section 1, KRS 304.138 (3), line 13, strike the word "made" which appears in the original bill as "make" and substitute in lieu thereof the word "made".

Committee Amendment No. 12. Page 37, Section 1, KRS 304.142, lines 1 through 11, strike all of 304.142, lines 1 through 11.

Committee Amendment No. 13. Page 37, Section 1, KRS 304.144 (1), line 1, strike the word "mutualization" which appears in the original bill as "mutulization" and substitute in lieu thereof the word "mutualization".

Committee Amendment No. 14. Page 39, Section 1, KRS 304.154 (3), line 22, immediately following the word "with," insert the word "the".

Committee Amendment No. 15. Page 46, Section 1, KRS 304.171 (2), lines 6 and 7, strike all of lines 6 and 7 and substitute in lieu thereof the following:

"(2) Any governmental agency, public or private corporation, firm, board, association, estate, trustee, fiduciary or persons, in this state or elsewhere,".

Committee Amendment No. 16. Page 48, Section 1, KRS 304.174 (3), line 14, immediately following the word "in", strike the abbreviation and punctuation mark "No." and substitute in lieu thereof the word "Section".

Committee Amendment No. 17. Page 69, Section 1, KRS 304.344 (1), line 3, immediately following the word "kind" and

immediately preceding the word "interest", strike the word "and" which appears in the original bill as "and and" and substitute in lieu thereof the word "and".

Committee Amendment No. 18. Page 70, Section 1, KRS 304.344 (2) (e), line 42, immediately following the word "craft", strike the word "air" and substitute in lieu thereof the word "air-".

Committee Amendment No. 19. Page 70, Section 1, KRS 304.344 (2) (e), line 45, strike the word "moneys" and substitute in lieu thereof the word "monies".

Committee Amendment No. 20. Page 71, Section 1, KRS 304.344 (2) (e), line 64, strike the word "tornado" which appears in the original bill as "torando" and substitute in lieu thereof the word "tornado".

Committee Amendment No. 21. Page 71, Section 1, KRS 304.344 (2) (e), line 65, immediately following the word "sprinkler," strike the word "leakage" which appears in the original bill as "leadage" and substitute in lieu thereof "leakage".

Committee Amendment No. 22. Page 73, Section 1, KRS 304.348 (3), line 17, strike the word "moneys" and substitute in lieu thereof the word "monies".

Committee Amendment No. 23. Page 73, Section 1, KRS 304.348 (6), line 28, immediately following the word "boiler," strike the word "Explosion" and substitute in lieu thereof the word "Insurance."

Committee Amendment No. 24. Page 73, Section 1, KRS 304.348 (6), lines 31 and 32, immediately following the word "upon," strike the word "elevators".

Committee Amendment No. 25. Page 74, section 1, KRS 304.348 (9), line 43, immediately following the word "fire," insert the words, "and to make inspection of and issue certificates of inspection upon, elevators."

Committee Amendment No. 26. Page 77, Section 1, KRS 304.365, line 3, strike the word "exclusively" which appears in the original bill as "exclusively: and substitute in lieu thereof the word "exclusively".

Committee Amendment No. 27. Page 88, Section 1, KRS 304.381, line 1, immediately following the word "EXPENSE," insert the word "PAYMENTS".

Committee Amendment No. 28. Page 91, Section 1, KRS 304.383, (3) (a) (i), line 52, strike the word "Commissioners" which is written in the original bill as "commissioners" and substitute in lieu thereof the word "Commissioner".

Committee Amendment No. 29. Page 98, Section 1, KRS 304.401 (4), line 11, strike the abbreviation "31st." which appears in the original bill as "31st." and substitute in lieu thereof the abbreviation "31st".

Committee Amendment No. 30. Page 98, Section 1, KRS 304.403 (1), line 9, strike the word "not" and insert in lieu thereof "nor".

Committee Amendment No. 31. Page 106, Section 1, KRS 304.424 (2), line 11, immediately following the word "Associations," strike the word "who" and substitute in lieu thereof the word "which".

Committee Amendment No. 32. Page 110, Section 1, KRS 304.433, line 9, immediately following the word "against," strike the word "an" and substitute in lieu thereof the word "any".

Committee Amendment No. 33. Page 113, Section 1, KRS 304.446, line 5, immediately following the word "such," strike the word "director" and substitute in lieu thereof the word "member".

Committee Amendment No. 34. Page 114, Section 1, KRS 304.448, line 5, immediately following the word "insurer," strike the word "not" and substitute in lieu thereof the word "nor".

Committee Amendment No. 35. Page 119, Section 1, KRS 304.476 subsection (3), line 12, immediately following the word

"such," strike the word "provisions" and substitute in word "provision".

Committee Amendment No. 36. Page 130, Section 1, KRS 304.518 subsection (2) (b), lines 25 through 28, strike all of lines 25 through 28 and substitute in lieu thereof the following:

"(b) The life, person, property, casualty risks, surety risks, or title risks of his employer, or his firm, or of any officer or member of his employer or firm, other than members of mutual insurers, or any spouse of such employer, officer, or member;".

Committee Amendment No. 37. Page 131, Section 1, KRS 304.519 subsection (2) (c), line 17, immediately following the word "applicant," strike the word "reasonable" and substitute in lieu thereof "reasonably".

Committee Amendment No. 38. Page 135, Section 1, KRS 304.525, line 13, strike the figures "304.577" and substitute in lieu thereof the figures "304.557".

Committee Amendment No. 39. Page 136, Section 1, KRS 304.526, lines 1 and 2, strike lines 1 and 2 and substitute in lieu thereof the following:

"304.526 FIRMS AND CORPORATIONS AS AGENTS: A partnership or corporation may hold agency contracts, but the members of"

Committee Amendment No. 40. Page 137, Section 1, KRS 304.536, line 1, immediately following the word "license" and immediately preceding the word "custody," insert the punctuation mark "—".

Committee Amendment No. 41. Page 141, Section 1, KRS 304.548, subsection (2), line 13, strike the word "cancelled which appears in the original bill as "concelled" and substitute in lieu thereof the word "cancelled".

Committee Amendment No. 42. Page 141, Section 1, KRS 304.549 (1), line 6, strike the word "adjusters" and substitute in lieu thereof the word "adjuster".

Committee Amendment No. 43. Page 155, Section 1, KRS 304.571 (1), line 3, immediately following the abbreviation "1st." strike the punctuation mark ".".

Committee Amendment No. 44. Page 157, Section 1, KRS 304.574 (1) (a), line 6, strike the word "wilfully" and substitute in lieu thereof the word "willfully".

Committee Amendment No. 45. Page 159, Section 1, KRS 304.581 (2), line 10, immediately preceding the word "insurance," strike the word "of" which appears in the original bill as "or" and substitute thereof the word "of".

Committee Amendment No. 46. Page 160, Section 1, KRS 304.583 (1), line 1, strike the word "solicitation" which appears in the original bill as "soliciation" and substitute in lieu thereof the word "solicitation".

Committee Amendment No. 47. Page 142, Section 1, KRS 304.549 (1), line 10, immediately following the word "prohibit," strike the word "th" and substitute the word "the".

Committee Amendment No. 48. Page 160, Section 1, KRS 304.583, line 2, immediately following the word "contract" insert the words, "by mail or otherwise,".

Committee Amendment No. 49. Page 160, Section 1, KRS 304.583 (2), line 15, immediately following the word "the," strike the word "postoffice" and substitute in lieu thereof "post office".

Committee Amendment No. 50. Page 166, Section 1, KRS 304.592, lines 1, 2 and 3 (the second time they appear), strike all of lines 1, 2 and 3 and substitute in lieu thereof the following:

"304.593 BROKER'S ANNUAL REPORT AND TAX: (1) Each such broker shall file with the commissioner, in July of each year, a sworn statement of the gross premiums paid for insurance procured."

Committee Amendment No. 51. Page 169, Section 1, KRS 304.598, lines 11 to 13 inclusive, transpose these lines to follow immediately after line 10, in KRS 304.597.

Committee Amendment No. 52. Page 169, Section 1, KRS 304.600, line 2, strike the word "artcle" immediately preceding the word "is" and substitute in lieu thereof the word "article".

Committee Amendment No. 53. Page 172, Section 1, KRS 304.602 (1) (c), line 21, immediately following the word "such," strike the word "experience" which appears in the original bill as "experance" and substitute in lieu thereof "experience".

Committee Amendment No. 54. Page 172, Section 1, KRS 304.603, line 3, immediately following the word "rating," strike the word "orgination" and substitute in lieu thereof "ORGANIZATION".

Committee Amendment No. 55. Page 172, Section 1, KRS 304.603, line 4, immediately following the word "EFFECTIVE:" insert the words "SPECIAL FILINGS: PERMISSION FOR EXCESS RATE;".

Committee Amendment No. 56. Page 173, Section 1, KRS 304.603, subsection 1, line 21, strike the word "many" and substitute in lieu thereof the word "any".

Committee Amendment No. 57. Page 180, Section 1, KRS 304.605, subsection 5, line 87, strike the word "organiaztion" and substitute in lieu thereof "organization".

Committee Amendment No. 58. Page 188, Section 1, KRS 304.625, line 4, immediately preceding the word "inclusive," strike the figures "394.647" and substitute in lieu thereof the figures "394.644".

Committee Amendment No. 59. Page 188, section 1, KRS 304.625, lines 7, 8 and 10, transpose the words "on risks or operations in this state" from lines 7 and 8 to line 10, immediately preceding the word "except".

Committee Amendment No. 60. Page 195, Section 1, KRS 304.630, line 2, immediately following the word "or," strike the word "revocation" which appears in the original bill as "revocztion" and substitute in lieu thereof the word "REVOCATION".

Committee Amendment No. 61. Page 199, Section 1, KRS 304.633, line 16, begin subsection (2) on a new line.

Committee Amendment No. 62. Page 200, Section 1, KRS 304.636 (2), line 9, immediately after the word "its" strike the word "constitution" which appears in the original bill as "constituion" and substitute in lieu thereof "constitution".

Committee Amendment No. 63. Page 201, Section 1, KRS 304.637 (1), line 7, strike the figures "304.932, 304.018".

Committee Amendment No. 64. Page 202, Section 1, KRS 304.637 (1), line 8, strike the figures "394.959 and".

Committee Amendment No. 65. Page 206, Section 1, KRS 304.642, line 1, strike the figures "394.642" and substitute "304.643".

Committee Amendment No. 66. Page 208, Section 1, KRS 304.650, line 13, immediately following the word "individual," strike the word "iinsured" and substitute in lieu thereof the word "insured".

Committee Amendment No. 67. Page 210, Section 1, KRS 304.655 (1), line 8, immediately following the word "insurance," strike the word "policies" which appears in the original bill as "policiis" and substitute in lieu thereof "policies".

Committee Amendment No. 68. Page 211, Section 1, KRS 304.655, subsection 2, line 12, immediately following the word "reinstatement," strike the word "of" and substitute in lieu thereof the word "or".

Committee Amendment No. 69. Page 215, Section 1, KRS 304.666, line 1, immediately following the word "Premium," insert the word "TO".

Committee Amendment No. 70. Page 219, Section 1, KRS 304.684, line 3, immediately following the word "accident," strike the word "or" and substitute in lieu thereof the word "of".

Committee Amendment No. 71. Page 227, Section 1, KRS 304.709 (1) (f), line 21, immediately following the word "an," strike the word "amount".

Committee Amendment No. 72. Page 228, Section 1, KRS 304.713, line 4, immediately after the word "properly," strike the word "designate" which appears in the original bill as "disignate" and substitute in lieu thereof the word "designate".

Committee Amendment No. 73. Page 229, Section 1, KRS 304.714 (B) 1, line 23, immediately following the word "classification," strike the word "or" and substitute in lieu thereof the word "of".

Committee Amendment No. 74. Page 234, Section 1, KRS 304.721, line 1, strike the abbreviation "NO." which appears in the original bill as "NO" and substitute in lieu thereof "NO."

Committee Amendment No. 75. Page 243, Section 1, KRS 304.740, line 14, immediately following the word "reason," strike the word "by" and substitute in lieu thereof the word "of".

Committee Amendment No. 76. Page 243, Section 1, KRS 304.741, subsection (2), line 19, Strike the word "insurer" and substitute in lieu thereof the word "insured".

Committee Amendment No. 77. Page 245, Section 1, KRS 304.744, line 1, strike the word "TRANSPORTATION" and substitute in lieu thereof the word "TRAVEL".

Committee Amendment No. 78. Page 245, Section 1, KRS 304.744, line 2, strike the word "transportation" and substitute in lieu thereof the word "travel".

Committee Amendment No. 79. Page 246, Section 1, KRS 304.746 (3), line 19 (as it appears second time), immediately following the word "do," strike the work "no" and substitute in lieu thereof the word "not".

Committee Amendment No. 80. Page 247, Section 1, KRS 304.746 (3), line 24, immediately following the word "insuring,"

strike the word "risks," and substitute in lieu thereof the words "risk and".

Committee Amendment No. 81. Page 256, Section 1, KRS 304.793 (1), line 8, strike the figures "(f-7/10%)" and substitute in lieu thereof "(5.7%)".

Committee Amendment No. 82. Page 274, Section 1, KRS 304.841 (2), line 19, strike the word "indentifiable" and substitute the word "identifiable" in lieu thereof.

Committee Amendment No. 83. Page 275, Section 1, KRS 304.841 (2), line 25, strike the word "indentifiable" and substitute in lieu thereof "identifiable".

Committee Amendment No. 84. Page 275, Section 1, KRS 304.841, lines 28 through 41, strike the lines 28 through 41 and substitute in lieu thereof the following:

"(3) The amount of insurance on the life of any debtor shall at no time exceed the amount owed by him which is repayable in installments to the creditor.

"(4) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment."

Committee Amendment No. 85. Page 293, Section 1, KRS 304.907, line 1, immediately following the word "POLICY," strike the word "LAY" and substitute in lieu thereof the word "LAW".

Committee Amendment No. 86. Page 302, Section 1, KRS 304.932, (3) line 28, immediately following the word "any" strike the word "vaulable" and insert in lieu thereof the word "valuable".

Committee Amendment No. 87. Page 313, Section 1, KRS 304.960 (8), line 38, immediately following the word "all" and immediately preceding the word "and," strike the word "policy-

holders" which appears in the original bill as "polichholders" and substitute in lieu thereof "policyholders".

Committee Amendment No. 88. Page 315, Section 1, KRS 304.961, line 22, immediately following the word "impart", strike the word "th" and substitute in lieu thereof the word "the".

Committee Amendment No. 89. Page 317, Section 1, KRS 304.964 (1), line 2, strike the word "proceedings" and substitute in lieu thereof the word "proceeding".

Committee Amendment No. 90. Page 324, Section 1, KRS 304.977 (3), line 18, strike the word "holders" and insert the word "holder" in lieu thereof.

Committee Amendment No. 91. Page 334, Section 15, line 22, immediately following the word "the," strike the word "employes" and substitute the word "employees".

Committee Amendment No. 92. Page 335, Section 15, line 47, immediately following the word "this," strike the word "chapter" which appears in the original bill as "chaper", and in lieu thereof substitute the word "chapter".

Committee Amendment No. 93. Page 335, Section 16, line 12, immediately following the word "already," strike the word "transacting" which appears in the original bill as "transacing" and substitute in lieu thereof "transacting".

Committee Amendment No. 94. Page 343, Section 23, line 5, immediately following the word "application," strike the word "therefore" and substitute in lieu thereof the word "therefor".

Committee Amendment No. 95. Page 349, Section 3, line 11, strike the word "denomination" which appears in the original bill as "demonration" and insert in lieu thereof the word "denomination".

Committee Amendment No. 96. Page 349, Section 3, line 12, strike the word "denominations" which appears in the origi-

nal bill as "demoninations" and substitute the word "denominations" in lieu thereof.

Committee Amendment No. 97. Page 350, Section 3, line 30, immediately following the word "damage," strike the word "of" and substitute in lieu thereof the word "to".

Committee Amendment No. 98. Page 351, Section 4, line 19, strike the word "article" and substitute in lieu thereof the word "articles".

Committee Amendment No. 99. Amend Section 7, appearing at page 352, by deleting lines one and two thereof and inserting in lieu thereof the following: "A new section of the Kentucky Revised Statutes is hereby enacted to be designated 299.215, and to read as follows:".

Committee Amendment No. 100. Amend Section 8, appearing at page 353, by deleting lines one, two and three thereof and inserting in lieu thereof the following: "A new section of the Kentucky Revised Statutes is hereby enacted to be designated 299.480, and to read as follows:".

Committee Amendment No. 101. Amend Section 9, appearing at page 353, by deleting lines one, two and three thereof and inserting in lieu thereof the following: "A new section of the Kentucky Revised Statutes is hereby enacted to be designated 299.481, and to read as follows:"

Committee Amendment No. 102. Amend Section 10, appearing at page 354, by deleting lines one, two and three thereof and inserting in lieu thereof the following: "A new section of the Kentucky Revised Statutes is hereby enacted to be designated 299.482, and to read as follows:"

Committee Amendment No. 103. Amend Section 11, appearing at page 355, by deleting lines one, two and three thereof and inserting in lieu thereof the following: "A new section of the Kentucky Revised Statutes is hereby enacted to be designated 299.483, and to read as follows:"

Committee Amendment No. 104. Amend Section 12, appearing at page 355, by deleting lines one, two and three thereof and inserting in lieu thereof the following: "A new section of the Kentucky Revised Statutes is hereby enacted to be designated 299.484, and to read as follows:"

Committee Amendment No. 105. Amend Section 13, appearing at page 356, by deleting lines one, two and three thereof, and inserting in lieu thereof the following: "A new section of the Kentucky Revised Statutes is hereby enacted to be designated 299.486, and to read as follows:"

Committee Amendment No. 106. Amend Section 14, appearing at page 356, by deleting lines one and two thereof, and inserting in lieu thereof the following: "A new section of the Kentucky Revised Statutes is hereby enacted to be designated 299.490, and to read as follows:

Committee Amendment No. 107. Page 347 through page 357, Sections 2 through 14, remove sections 2 through 14 from their present position in the Bill and insert same immediately following Section 1, KRS 304.990, subsection (3) line 93 on page 333, and immediately preceding Section 15, line 1, on page 333.

Committee Amendment No. 108. Page 357, Section 14, KRS 299.350, immediately following line 14 of Section 14, adding the following section:

"29. Section 299.350 of the Kentucky Revised Statutes is amended to read as follows:

"ANNUAL MEETING: BYLAWS: BOOKS. (1) The regular meeting of the company shall be held as prescribed in the bylaws, and if not otherwise provided for shall be held on the second Tuesday of January each year. At this meeting each person insured shall have one vote, and those have two thousand dollars insurance two votes, and an additional vote for each additional one thousand dollars insurance, or each policyholder shall be entitled to only one vote where the bylaws so provide. Voting may be by proxy under the rules and regulations prescribed by bylaws, unless prohibited by the bylaws.

"(2) Every company may make and enforce bylaws not inconsistent with the laws of this state or of the United States, by a two-thirds vote of the directors at any meeting. Any amendment may be made to the bylaws if presented to the president thirty days before any meeting.

(3) The directors shall procure proper books in which the secretary shall keep a record of all transactions of the company and of the board of directors. The books shall show at all times the condition, affairs and business of the company, and shall be open for the inspection of members of the company on any day from 9 a.m. until 4 p.m., Sundays and legal holidays excepted.

"Amendment to Title.

"Amend the title thereto by deleting the last two lines thereof and inserting in lieu thereof the following: "through 302.990; amending KRS 299.010, 299.030, 299.260; amending KRS Chapter 300; regulating reinsurance by assessment and cooperative companies, and providing for the creation of reinsurance companies by domestic mutual or assessment and cooperative companies; providing for fees to be paid to the Department of Insurance by assessment and cooperative companies; and declaring that this act shall become effective on September 1, 1950."

With the expression of opinion that same should pass.

Whereupon, said bills and said resolution were each and severally read at length for the first time and

Ordered placed in the Calendar.

By Mr. Hanratty of the Committee on Kentucky Statutes No. 1.

H. B. No. 169. AN ACT relating to the payment of certain expenses of deputy sheriffs in certain counties.

H. B. No. 233. AN ACT relating to fees of circuit clerks.

H. B. No. 114. AN ACT relating to recovery of real property by adverse possession.

By Mrs. Linton of the Committee on Kentucky Statutes No. 2.

H. B. No. 10. AN ACT relating to the date of delinquency of state, county and district taxes.

With the expression of opinion that same should not pass.

No motion having been made to advance said bills to a first reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken on said bills, it was ordered that said bills be not read at length

And so said bills were rejected.

Mr. Marshall moved that the rules be suspended and the privilege of the floor extended to Mr. Frank Crum.

Said motion was unanimously agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills which originated in that body of the following title, viz:

S. B. No. 112. AN ACT relating to the ad valorem tax systems of the state, counties and cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.285 of the Kentucky Revised Statutes is amended to read as follows:

Any city may by ordinance elect to use the annual county assessment for property situated within such city as a basis of ad valorem tax levies ordered or approved by the legislative body of the city. In such event the assessment as finally determined for county tax purposes shall serve as a basis of all city levies for the

first fiscal year commencing after the county assessment date. Notwithstanding any statutory provisions to the contrary, the assessment dates for such city shall conform to the corresponding dates for the county and such city may by ordinance establish additional financial and tax procedures that will enable it effectively to adopt the county assessment. The legislative body of any city adopting the county assessment may fix the time for levying the city tax rate, the fiscal year, due and delinquency dates for taxes and any other dates that will enable it effectively to adopt the county assessment, notwithstanding any statutory provisions to the contrary. Any such city may, by ordinance, abolish any office connected with city assessment and equalization; except that in the case of a city assessor who is elected by the qualified voters of the city, the office may not be abolished before the end of the term of such assessor. Any city which elects to use the county assessment shall have access to the assessment records as soon as completed and may obtain from the county court clerk a certified copy of that portion of the records which represents the assessment of property within such city by paying the cost thereof. Once any city elects to use the county assessment, such action cannot be revoked without notice to the Department of Revenue six months prior to the next date as of which property is assessed for state and county taxes.

S. B. No. 134. AN ACT authorizing and adding one additional judge to the circuit court for the Twenty-second Circuit Court District; establishing the division of said court; providing for the appointment and election of the additional judge to said court; and providing for the manner in which said court shall be held and the business therein conducted.

Said bill is as follows, viz:

WHEREAS, the population of the Twenty-second Circuit Court District, embracing the County of Fayette, now exceeds seventy-five thousand inhabitants; and

WHEREAS, said District and County has a city of more than twenty thousand inhabitants, and

WHEREAS, said District is entitled to an additional circuit judge; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That one additional judge of the circuit court for the Twenty-second Circuit Court District is hereby authorized added to said court.

Sec. 2. The circuit court of said Twenty-second Circuit Court District shall be divided into two divisions; one of the divisions to be known and designated the Criminal, Common Law and Equity Division, and the other the Common Law and Equity Division. The judge of the court at the time the additional judge is provided shall be the judge of the Common Law and Equity Division, and the added judge to be the judge of the Criminal, Common Law and Equity Division.

Sec. 3. Within sixty days after this Act shall have become operative, the Governor shall appoint a person having the qualifications of a circuit judge to preside over the Criminal, Common Law and Equity Division of the Twenty-second Circuit Court District, who, when appointed, shall be commissioned by the Governor as judge of the Criminal, Common Law and Equity Division of the Twenty-second Circuit Court District, and shall enter upon the duties of the office as soon as he shall have qualified, and shall continue in office until the first Monday in January, 1952, and until his successor is elected, and shall have qualified.

At the regular election to be held on the first Tuesday after the first Monday in November, 1951, and every six years thereafter, such additional judge shall be elected, as other circuit court judges are required to be elected, and shall enter upon the duties of the office on the first Monday in January next succeeding his election.

Sec. 4. The court in the Twenty-second Circuit Court District shall be held in continuous session and the business therein shall be conducted in the manner now provided by law for other circuit courts of continuous session having two judges.

S. B. No. 133. AN ACT authorizing and adding two additional judges for the Thirtieth Circuit Court District, embracing

Jefferson County; establishing additional divisions of said circuit court; and providing for the appointment and election of the additional judges.

Said bill is as follows, viz:

WHEREAS, the population of the Thirtieth Circuit Court District, embracing the County of Jefferson, as ascertained by the last enumeration, exceeds 350,000, and thus contains an increase of more than 200,000 over the original base of 150,000 as contemplated by Section 137 of the Constitution; and

WHEREAS, said District is entitled under Section 137 of the Constitution to two additional circuit judges;

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Two additional judges of the circuit court for the Thirtieth Circuit Court District are hereby authorized and added to said court.

Sec. 2. The criminal branch of the circuit court for the Thirtieth Circuit Court District shall have two divisions, to be named, respectively, criminal branch, first division, and criminal branch, second division. The judge of the criminal branch at the time this Act takes effect shall be the judge of the criminal branch, first division, and one of the additional judges provided for in this Act shall be the judge of the criminal branch, second division.

Sec. 3. There is added to the common pleas branch of the circuit court for the Thirtieth Circuit Court District an additional division to be named the common pleas branch, fifth division, and one of the additional judges provided for in this Act shall be the judge of the common pleas branch, fifth division.

Sec. 4. At the regular election to be held on the first Tuesday after the first Monday in November, 1951, and every six

years thereafter, there shall be elected, for the Thirtieth Circuit Court District, a judge of the circuit court, criminal branch, first division, and a judge of the circuit court, criminal branch, second division, in lieu of the single judge of the circuit court, criminal branch, as provided for in KRS 24.190; and there shall be elected, in addition to the judges of the common pleas branch provided for in KRS 24.190, a judge of the circuit court, common pleas branch, fifth division. Such elections shall be held in accordance with the provisions of KRS 24.190.

Sec. 5. Until the first Monday in January, 1952, at which time the additional judges elected under Section 4 of this Act will enter upon the duties of their offices, the offices of additional circuit court judges provided for in this Act shall be filled as provided in Section 152 of the Constitution for the filling of vacancies in office. The judges selected to fill such vacancies shall be commissioned by the Governor, respectively, as judge of the criminal branch, second division, and judge of the common pleas branch, fifth division, of the Thirtieth Circuit Court District.

Sec. 6. The courts in the Thirtieth Circuit Court District shall be held, and the business therein conducted, in the manner now provided by law for circuit courts having seven judges.

Sec. 7. This Act shall take effect on August 15, 1950.

Ordered that said bills be printed and referred.

Mr. Steers moved that the rules be suspended for the purpose of making a motion.

The yeas and nays being required thereon by Mr. Steers and Mr. McPherron were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	John D. Beatty	Paul Combs
Walter J. Bailey	R. O. Blevins	B. H. Crider
Clarence J. Barnum	L. E. Bradley	Owen Deering
Leonard T. Bean	Thomas L. Britton	Thomas R. Duncan

Roscoe C. Estepp, Sr.	Homer E. Losey	LeRoy Saylor
Mitchell S. Fannin	A. L. (Chick) Love	Gus Sheehan, Jr.
Henry C. Hale	True Mackey	Forest Smith
C. A. Hammons	Damon Majors	Joseph T. Snapp
John A. Head	John Martin	John M. Spaulding
Harold G. Helm	Jack McPherron	Roy Steers
William K. Henry	Alton Mitchell	W. R. Stringer
Woodrow W. Hollan	Archie R. Moore	Egbert V. Taylor
W. M. Horn	Emmett G. Moore	Ralph N. Walter
Durham W. Howard	Fred H. Morgan	Fred M. Warns
Maurice G. Howard	Dr. C. E. Palmore	Harry Lee Waterfield
Barkley Jones	James H. Polsgrove	Lyle H. Webb
James W. Lambert	Hobart Rayburn	G. F. Williamson
Jesse H. Lawrence	Carl J. Ruh	Charles W. Wirsch

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Those who voted in the negative were—

Edgar Arnett	James P. Hanratty	G. Lee McClain
C. E. Baumgardner	E. R. Hilton	C. S. Nabb
Fred Beshear	Ray Holbrook	W. R. Reasor
Edward O. Bridgers	Silas Jacobs	Roy Searcy
Charles J. Bronston	William Jones	J. Claude Stacy
J. D. Buckman, Jr.	Mrs. J. T. Linton	Mrs. Thelma Stovall
R. Josh Cosby	Harry K. Lowman	M. G. Thompson
G. I. Drury		

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Thereupon, said motion was agreed to.

Mr. Steers moved that the rules be suspended and the House do now proceed to the Orders of the Day for the immediate consideration of a bill of the following title, viz:

H. B. No. 200. AN ACT relating to payment of expense allowances to the members of the General Assembly and the Lieutenant-Governor of the Commonwealth of Kentucky, and declaring an emergency to exist.

Mr. Burnley moved to amend the motion as made by Mr. Steers in that said bill be laid on the Clerk's desk.

The yeas and nays being required on the motion as made by Mr. Burnley by Mr. Steers and Mr. McPherron were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	William K. Henry	Harry K. Lowman
C. E. Baumgardner	E. R. Hilton	C. S. Nabb
Fred Beshear	Silas Jacobs	Roy Searcy
Mrs. M. E. Burnett	Mrs. J. T. Linton	J. Claude Stacy
Charles W. Burnley	A. L. (Chick) Love	—14

Those who voted in the negative were—

Bernam Adams	Harold G. Helm	Dr. C. E. Palmore
Bill Adams	Ray Holbrook	James H. Polsgrove
Edgar Arnett	Woodrow W. Hollan	Hobart Rayburn
Walter J. Bailey	W. M. Horn	LeRoy Saylor
Clarence J. Barnum	Durham W. Howard	Paul E. Shannon
Leonard T. Bean	Maurice G. Howard	Forest Smith
John D. Beatty	Paul S. Jonas	Joseph T. Snapp
R. O. Blevins	Barkley Jones	John M. Spaulding
L. E. Bradley	Jesse H. Lawrence	Roy Steers
Edward O. Bridgers	Homer E. Losey	Raymond D. Stigall
Thomas L. Britton	True Mackey	Mrs. Thelma Stovall
Charles J. Bronston	Damon Majors	W. R. Stringer
R. Josh Cosby	John Martin	Egbert V. Taylor
B. H. Crider	William T. Marshall	Rev. T. Herbert Tinsley
Owen Deering	G. Lee McClain	
G. I. Drury	Jack McPherron	Ralph N. Walter
Thomas R. Duncan	Alton Mitchell	Fred M. Warns
Roscoe C. Estepp, Sr.	Archie R. Moore	Harry Lee Waterfield
Mitchell S. Fannin	Emmett G. Moore	Lyle H. Webb
Henry C. Hale	Walter R. Moorman	G. F. Williamson
C. A. Hammons	Fred H. Morgan	Charles W. Wirsch
John A. Head		—63

Thereupon said motion was disagreed to.

The yeas and nays being required on the motion as made by Mr. Steers by Mr. McPherron and Mr. Steers were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Leonard T. Bean	Edward O. Bridgers
Bill Adams	John D. Beatty	Thomas L. Britton
Walter J. Bailey	R. O. Blevins	Charles J. Bronston
Clarence J. Barnum	L. E. Bradley	Stanley Carter

Paul Combs	Barkley Jones	LeRoy Saylor
B. H. Crider	James W. Lambert	Paul E. Shannon
Owen Deering	Jesse H. Lawrence	Gus Sheehan, Jr.
G. I. Drury	Homer E. Losey	Forest Smith
Thomas R. Duncan	True Mackey	Joseph T. Snapp
Roscoe C. Estepp, Sr.	Damon Majors	John M. Spaulding
Mitchell S. Fannin	John Martin	Roy Steers
Henry C. Hale	William T. Marshall	Mrs. Thelma Stovall
James P. Hanratty	G. Lee McClain	W. R. Stringer
George F. Harris	Jack McPherron	Egbert V. Taylor
John A. Head	Alton Mitchell	Rev. T. Herbert Tinsley
Harold G. Helm	Archie R. Moore	
William K. Henry	Emmett G. Moore	Ralph N. Walter
Woodrow W. Hollan	Dr. C. E. Palmore	Harry Lee Waterfield
W. M. Horn	James H. Polsgrove	Lyle H. Webb
Durham W. Howard	Hobart Rayburn	G. F. Williamson
Maurice G. Howard	W. R. Reasor	Charles W. Wirsch
Paul S. Jonas	Carl J. Ruh	—64

Those who voted in the negative were—

Edgar Arnett	R. Josh Cosby	Mrs. J. T. Linton
Sidney Baer	Chester A. Hammons	A. L. (Chick) Love
C. E. Baumgardner	E. R. Hilton	Harry K. Lowman
Fred Beshear	Ray Holbrook	C. S. Nabb
J. D. Buckman, Jr.	Silas Jacobs	Roy Searcy
Mrs. M. E. Burnett	William Jones	J. Claude Stacy
Charles W. Burnley		—19

Thereupon said motion was agreed to.

Said bill is as follows, viz:

AN ACT relating to payment of expense allowances to the members of the General Assembly and the Lieutenant-Governor of the Commonwealth of Kentucky, and declaring an emergency to exist.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Each member of the General Assembly and the Lieutenant-Governor of the State shall be paid out of the State

Treasury, each month, the sum of $100.00, which sum is hereby declared to be the equivalent of the minimum sum that each member of the General Assembly and the Lieutenant-Governor will expend each month, in performance of his official duties, for postage, telephone service, supplies, stationery, stenographic assistance, books and periodicals. The Commissioner of Finance shall, on the first of each month, draw his warrant on the Treasurer in favor of each member of the General Assembly and the Lieutenant-Governor, for the sum above stated, and the same shall be paid out of the General Fund. The sums so received shall be expended by each member of the General Assembly and the Lieutenant-Governor in his discretion, the manner in which the same shall be applied in payment or reimbursement of such expenses being determined by the members of the General Assembly and the Lieutenant-Governor.

Sec. 2. Whereas, present economic conditions are such as to impose an unconscionable burden upon the General Assembly and the Lieutenant-Governor of the Commonwealth, and to create a threat to the expeditious administration of the members of the General Assembly and the Lieutenant-Governor for the performance of duties to their constituents, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Bean offered the following amendment to said bill, viz:

Amend printed copy of House Bill No. 200 on page 2, section 1, line 3 by striking the figures "$100.00" and inserting in lieu thereof the figures "$50.00."

Said amendment to said bill was lost for lack of a second.

Mr. Steers moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Burnley moved that said bill be made a Special Order of the Day for the hour of 2 o'clock, p.m., Tuesday, February 21, 1950.

Mr. Waterfield raised the point of order that the motion as made by Mr. Burnley was not in order as the Previous Question had been adopted, which brings said bill to a direct vote.

The Speaker ruled the point of order raised by Mr. Waterfield well taken.

Ordered that said bill be read at length the third time.

Mr. Steers moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Owen Deering	Paul S. Jonas
Walter J. Bailey	G. I. Drury	Barkley Jones
Clarence J. Barnum	Thomas R. Duncan	Jesse H. Lawrence
John D. Beatty	Roscoe C. Estepp, Sr.	Homer E. Losey
R. O. Blevins	Mitchell S. Fannin	True Mackey
L. E. Bradley	Henry C. Hale	Damon Majors
Edward O. Bridgers	John A. Head	John Martin
Thomas L. Britton	Harold G. Helm	Wiliam T. Marshall
Charles J. Bronston	William K. Henry	Jack McPherron
Stanley Carter	Woodrow W. Hollan	Alton Mitchell
Paul Combs	Durham W. Howard	Archie R. Moore
B. H. Crider	Maurice G. Howard	Emmett G. Moore

Fred H. Morgan	John M. Spaulding	Ralph N. Walter
Dr. C. E. Palmore	Roy Steers	Fred M. Warns
James H. Polsgrove	Raymond D. Stigall	Harry Lee Waterfield
Carl J. Ruh	Mrs. Thelma Stovall	Lyle H. Webb
Paul E. Shannon	W. R. Stringer	G. F. Williamson
Gus Sheehan, Jr.	Egbert V. Taylor	Charles W. Wirsch
Forest Smith	Rev. T. Herbert	
Joseph T. Snapp	Tinsley	—57

Those who voted in the negative were—

Edgar Arnett	James P. Hanratty	C. S. Nabb
Sidney Baer	Paul E. Hayes	Hobart Rayburn
Leonard T. Bean	E. R. Hilton	W. R. Reasor
Fred Beshear	Ray Holbrook	LeRoy Saylor
J. D. Buckman, Jr.	Silas Jacobs	Roy Searcy
Mrs. M. E. Burnett	William Jones	Jesse H. Shelton
Charles W. Burnley	Mrs. J. T. Linton	J. Claude Stacy
R. Josh Cosby	A. L. (Chick) Love	M. G. Thompson
C. A. Hammons	Harry K. Lowman	—26

Resolved that the title thereof be as aforesaid.

Mr. Waterfield moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was disagreed to.

Mr. Morgan moved that the House do now recess for five minutes.

Said motion was agreed to.

And then the House recessed.

Five minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Morgan moved that the rules be suspended and that the vote by which the clincher motion was rejected to a bill of the following title, viz:

H. B. No. 200. AN ACT relating to payment of expense allowances to the members of the General Assembly and the

Lieutenant-Governor of the Commonwealth of Kentucky, and declaring an emergency to exist.

On today

be reconsidered.

Mr. Love moved that the House do now adjourn to meet again at 8 oclock, p.m., Monday, February 20, 1950.

Said motion was lost for lack of a second.

Said motion as made by Mr. Morgan was then agreed to.

Thereafter, such reconsideration.

Mr. Morgan moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 39. AN ACT relating to the collection and publication of dairy statistics.

H. B. No. 40. AN ACT relating to the duties of the State Board of Agriculture.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said bills to the Senate.

Mr. Losey moved that the rules be suspended for the purpose of introducing bills.

Said motion was agreed to by a majority of the members elected.

Thereupon, bills of the following titles were introduced, viz:

By Mr. Polsgrove.

H. B. No. 349. AN ACT relating to the practice of optometry, amending Section 311.010 and repealing Sections 311.140 to 311.240 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, unless the context requires otherwise:

(1) "Board" means the Kentucky Board of Optometric Examiners.

(2) (a) "Practice of optometry" means the examination or diagnosis of the human eye, to ascertain the presence of abnormal conditions or functions which may be diagnosed, corrected, remedied or relieved, or the application or prescriptions of lenses, prisms, exercises, or any physical, mechanical, physiological or psychological therapy, or the employment of any means, for the purpose of detecting any disease or pathological condition of the eye, or the effects of any disease or pathological condition of the eye which may have any significance in a complete optometric diagnosis of the eye or its associated structures.

(b) Opening an office, or announcing to the public a readiness to do any of the acts mentioned in this subsection constitutes practicing optometry.

(c) The practice of optometry does not include the sale of spectacles, eye-glasses or lenses only as merchandise in a duly established mercantile establishment.

Sec. 2. No person shall:

(1) Practice or attempt to practice optometry without a license from the board, registered in the county in which the holder resides.

(2) Use any designation in connection with his name tending to imply that he is a practitioner of optometry unless he has a license from the board, registered in the county in which he resides as provided in section 6 of this Act.

(3) Falsely impersonate any optometrist.

(4) Advertise by any means prices for a discount on or specific terms of payment for eyeglasses, spectacles or accessories thereto, ophthalmic lenses, frames or mounting, or by use of the phrases "free examination," "moderate prices," "guaranteed glasses," "satisfaction guaranteed" or any words of similar import.

(5) Publish, directly or indirectly, any fraudulent, false or misleading statement as to the skill or method of practice of any person engaged in or about to engage in the practice of optometry, or with reference to any article or the sale of any article used in connection therewith.

Sec. 3. An applicant for a license to practice optometry shall be of good moral character and at least twenty-one years of age at the time of making the application. The application shall be accompanied by evidence satisfactory to the board that the applicant is a graduate of and has a diploma from a reputable optometric college, school or department of a reputable university, rated as acceptable by the board. The board shall rate optometric colleges, schools or departments of a university, or accept the ratings issued by accredited bodies approved by it.

Sec. 4. Applicants for the practice of optometry may present their credentials by mail or proxy upon forms furnished by

the board, and shall receive due notice of the place and date of the examination. Every license certificate shall be signed by the president and secretary-treasurer and authenticated by the seal of the board. An examination for the practice of optometry shall be held at least semi-annually.

Sec. 5. (1) The fee for each examination to practice optometry, including the certificate, shall not exceed twenty-five dollars.

(2) Each optometrist who desires to continue to practice shall annually, during July, pay to the secretary-treasurer of the board a renewal fee to be fixed by the board, but not to exceed ten dollars. For this he shall receive a renewal of his certificate.

(3) Any optometrist who fails to have his license renewed shall forfeit his right to practice after sixty days from the time notice of such failure has been mailed to his last address by the secretary of the board.

Sec. 6. Every optometrist shall register his license with the county clerk of the county in which he resides. The certificate, so registered, shall authorize its holder to practice optometry.

Sec. 7. (1) The board may suspend, revoke or refuse to issue any license to practice optometry for any of the following causes:

(a) Presentation to the board of any license certificate or diploma illegally or fraudulently obtained, or the practice of fraud or deception in passing an examination.

(b) The conviction of a felony involving moral turpitude.

(c) Chronic or persistent inebriety or addiction to a drug habit to an extent that disqualifies from practicing with safety to the people.

(d) Other grossly unprofessional or dishonorable conduct of a character likely to deceive or defraud the public.

(2) It may also revoke any optometrist's license for;

(a) Practicing as an itinerant or peddling from door to door, establishing a temporary office or practicing optometry outside or away from his regular office or place of business.

(b) Committing any gross immorality or fraud, or making any false statement.

(c) Employing, procuring or inducing any person not holding a license to practice optometry or any branch of medicine or aiding or abetting such person to practice optometry or any branch of medicine.

(d) Advertising superiority of performance of professional service or seeking patronage by advertising prices for eyeglasses, spectacles, ophthalmic lenses, frames, mountings or optometric devices.

(e) Seeking patronage by advertising free optometric services or free examination, making any statement or advertising or claiming to guarantee any optometric service or any eyeglasses, lenses, frames or mountings.

(f) Seeking patronage by means of solicitors, canvassers or agents, or by publishing, directly or indirectly, any false, fraudulent or misleading statements as to skill or method of practice of any person in the practice of medicine or optometry.

(g) Seeking patronage by means of radio, handbills, posters, circulars, newspapers, periodicals, or signs more than six inches in height, that set forth more than the name, profession, title, location, phone number and office hours of the optometrist, and the phrases "eyes examined" and "contact lenses fitted."

(h) Seeking patronage by the use of a neon sign at any place.

(3) Nothing in this section shall prevent any optometrist from establishing branch offices if such offices are fully equipped with the instruments necessary to make an optometric examination and if every such office is in charge of a licensed optometrist.

(4) No license may be refused, suspended or revoked except as provided in this section.

Sec. 8. Proceedings to revoke or suspend a license may be taken by the board from the matters within its knowledge or upon the information of another. If the informant is a member of the board, the other members shall constitute the board for the purpose of judging the accused. Every accusation shall be in writing, verified by some person familiar with the facts charged in it. Three copies shall be filed with the secretary-treasurer of the board. Upon receiving the accusation the board shall, if it considers it sufficient, make an order setting the accusation for hearing at a specified time and place, and requiring the accused to appear and answer it. The secretary-treasurer shall cause a copy of the order and accusation to be served upon the accused at least ten days before the day appointed in the order for the hearing.

Sec. 9. The person accused under Section 8 of this Act shall appear at the time appointed in the order, answer the charges and make his defense, unless for sufficient cause the board assigns another day for that purpose. If he does not appear the board may proceed and determine the accusation in his absence. If the accused pleads guilty or refuses to answer the charges, or if upon the hearing the board finds any of them true, it may proceed to a judgment of either revoking his license or suspending it. The board and the accused may have the benefit of counsel. The board may administer oaths, take the depositions of witnesses as in civil cases and compel them to attend before it in person as in civil cases by subpoena issued over the signature of the secretary-treasurer and the seal of the board and in the name of the state.

Sec. 10. The revocation of any license shall be noted upon the records of the board, and the license shall be marked as canceled upon the date of its revocation. The secretary-treasurer of the board shall, upon entry of a judgment of suspension or revocation, transmit to the county clerk of the county in which the license affected by the judgment is recorded a copy of the judgment order, certified to as such by the secretary-treasurer for record. The copy of the judgment order shall be recorded

in the same manner and the same book in which the record of the certificate to practice optometry is kept.

Sec. 11. A licensee whose license has been revoked by the board may appeal from the revocation order within thirty days of the cancellation of his license. The appeal shall be to the circuit court of the county in which the board met to revoke the license. Any person who takes such an appeal shall serve upon the secretary-treasurer, a written notice of the appeal, and shall file in the office of the secretary-treasurer, an appeal bond with good and sufficient surety, to be approved by the secretary-treasurer, to the state, conditioned for the speedy prosecution of the appeal and the payment of any costs charged against him upon the appeal. The secretary-treasurer, within ten days after the service of notice of appeal and the filing and approval of the bond, shall transmit to the clerk of the circuit court to which the appeal is taken a certified copy, under the seal of the board, of the accusations on which the revocation was based and the ground for appeal, together with the notice and bond of appeal. The clerk of the circuit court shall docket the case, and it shall be tried in all respects like an ordinary civil action. Either party may appeal from the judgment of the circiut court to the Court of Appeals as in a civil action. The judgment shall be stayed from the date of the approval of the bond until final determination of the appeal.

Sec. 12. Upon application the board may reissue a license to practice optometry that has been revoked. No such application shall be made prior to one year after revocation. The board may prescribe the manner and form of application.

Sec. 13. (1) The Kentucky Board of Optometric Examiners shall consist of five licensed practicing optometrists, each appointed by the Governor from a list of three names recommended by the Kentucky Optometric Association. The members shall serve for a term of four years and until their successors are appointed and qualified, except that upon the appointment of the first members, one shall be designated to serve one year, one to serve two years, one to serve three years and two to serve four years.

(2) Each member shall have been an actual resident and licensed practicing optometrist of this state for not less than five years immediately preceding his appointment to the board. He shall not be in any way connected with or interested in any optometric college or optometric department of any institution of learning or optometric supply business.

(3) Any vacancy shall be filled by the Governor as provided in subsection (1) of this section.

(4) Each member of the board shall receive any necessary expenses incurred in attending its meetings. In addition, the secretary-treasurer shall receive such salary as the board shall determine.

Sec. 14. (1) The board shall choose a president, vice-president and secretary-treasurer from its members at a meeting on the first Tuesday in July of each year.

(2) If the board considers it necessary, it may meet more often than semi-annually at whatever places it considers necessary for the examination of applicants to practice optometry, and for the transaction of any other business.

(3) A majority of the members of the board shall constitute a quorum for the transaction of business.

(4) The board shall keep a record book in which shall be registered the name, address and license number of every person entitled to practice optometry in this state. The proceedings of the board shall be recorded in a minute book.

Sec. 15. (1) The board shall administer this Act. It may make regulations for its own conduct and procedure, provide for affiliation with the American Optometric Association, send its delegates to its meetings and pay the expenses of those delegates. It may select the subjects and the standard of proficiency and percentage for examinations to practice optometry, employ an attorney to advise and assist it in enforcing this Act, and pay him a reasonable compensation for such work. It may also, subject

to the provisions of this Act, promulgate any rules and regulations necessary for the regulation of the practice of Optometry in this state.

(2) The board shall make a report of its proceedings to the Governor by December 31 of each year, showing all money received and disbursed by it pursuant to this Act.

Sec. 16. No person shall practice or offer to practice optometry under any name except his own, except that any optometrist who buys the practice of another optometrist, whether living or deceased, may, for a period of not longer than one year, carry on the business under a name in which the name of his predecessor is used, but only under the following conditions:

(1) The name of the present practitioner shall appear first and he shall be shown to be the successor of his predecessor.

(2) The names of both the successor and predecessor shall be in letters of the same size.

Sec. 17. All fees imposed and collected under the provisions of this Act shall be paid to the secretary-treasurer of the board for the use of the board, and shall be deposited in the State Treasury to the credit of an agency fund for the use of the board.

Sec. 18. (1) The board may institute in its own name any action to enjoin, temporarily or permanently, a continued violation of any of the provisions of this Act, or a continued violation of any rule or regulation promulgated pursuant to this Act.

(2) Any person who practices or attempts to practice optometry for compensation without complying with the provisions of this Act shall not be entitled to compensation for any services so rendered.

Sec. 19. (1) Any person who practices or attempts to practice Optometry without the license required by this Act shall be confined in the penitentiary for not less than one nor more than five years.

(2) Any person who violates any of the provisions of this Act, or any rule or regulation promulgated pursuant thereto, for which no specific penalty has been provided, shall be fined not less than $50 nor more than $100 for the first offense, and shall be fined $100 and confined in the county jail for 30 days for each subsequent offense.

Sec. 20. Section 311.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) "Board" means the State Board of Health;

(2) (a) "Practice of medicine" means the treatment of any human ailment or infirmity by any method, and includes the practice of osteopathy, the administration of anesthetics, and the practice of, or attempt to practice, any system of diagnosis or healing or correction of any defect of any part of the human body except upon the prescription of a physician. Opening an office or announcing to the public in any way a readiness to do any of the act mentioned in this paragraph shall be considered a practice of medicine.

(b) The practice of medicine does not include the practice of dentistry, the practice of chiropractic, the practice of Christian science, the work of nurses, the sale of proprietary or patent medicines as provided in KRS 311.250, the sale of trusses, spectacles, eyeglasses or lenses as merchandise in a duly established mercantile establishment, the practice of midwifery by women, the rendering of gratuitous services in case of emergency, the actiivties of commissioned surgeons of the United States Army, Navy or Marine hospital services or of any person legally qualified by another state to practice medicine, called to see a particular case or family, who does not open an office or appoint any place in this state to meet patients or receive calls, nor does it include the practice of optometry.

Sec. 21. Sections 311.140 to 311.240 of the Kentucky Revised Statutes are hereby repealed.

Sec. 22. This Act shall become effective July 1, 1950.

Sec. 23. Any person holding on the effective date of this Act a license as an optometrist issued under KRS Chapter 311 shall be entitled to have such license renewed the same as if it had been issued under this Act.

Sec. 24. Subsection (2) of section 311.990 is hereby repealed.

By Mr. Rayburn.

H. B. No. 350. AN ACT relating to carriers of passengers for hire by motor vehicle.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 281.320 of the Kentucky Revised Statutes is amended to read as follows:

(1) No common carrier or contract carrier shall permit any motor vehicle operated by him for the transportation of persons for hire to carry a greater number of passengers than twenty percent over its seating capacity, or permit any passenger to ride upon the steps or running board of any such motor vehicle. No common carrier or contract carrier shall permit any passenger to ride on the top of any such motor vehicle unless the top has been designed and equipped with seats constructed for such use, and provided with protecting railing or protective enclosure on all four sides of the top of the vehicle, and unless such use has been authorized by a certificate issued by the division.

(2) No common carrier shall operate, for the transportation of persons for hire, any motor vehicle with an extreme width exceeding ninety-six inches.

Sec. 2. A new section of the statutes is created, to read as follows:

(1) No common carrier of persons for hire by motor vehicle, whose authorized route of operation in this state is in excess of two hundred miles, shall operate or permit to be operated over any part of such route, any motor vehicle having a seating capacity of thirty-seven passengers or more, unless such motor vehicle is equipped with two drivers' seats, the second seat to be parallel with the seat located directly to the rear of the driver's control instruments, nor unless such motor vehicle has a driver and co-driver in charge and control of the vehicle at all times while the vehicle is actually engaged in the transportation of passengers over such route.

(2) Any person who violates any of the provisions of subsection (1) of this section shall be fined not less than fifteen dollars nor more than two hundred dollars, or imprisoned in the county jail for not more than thirty days, or both.

Sec. 3. If House Bill No. 258 is enacted at the present session of the General Assembly, then Section 1 of this Act shall become inoperative, and paragraph (a) of Section 34 of House Bill No. 258 shall be treated as amended to read as follows:

> "(a) The Department shall, in its safety regulations, prescribe rules prohibiting overcrowding in the various types of motor vehicles carrying passengers for hire, but in no event shall the owner, driver or chauffeur of any such motor vehicle carry or permit to be carried in such motor vehicle a greater number of passengers than twenty percent over its seating capacity."

By Mr. Hollan.

H. B. No. 351. AN ACT relating to per diem and expenses allowed members of county boards of education, amending Section 160.280 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Members of boards of education shall receive no salaries, but members of county boards of education may receive a per diem of seven dollars and fifty cents and their actual expenses for each regular or special meeting attended, and may be reimbursed for other actual and necessary expenditures incurred in the district in the performance of their duties authorized by the board. In no case shall the per diem exceed one hundred-fifty dollars per annum. All claims shall be made out according to law, filed with the secretary of the board, and shall be approved and paid as other claims against the board.

H. B. No. 352. AN ACT relating to members of the police department in cities of the fourth class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In cities of the fourth class where a police department has been established under the authority of KRS 95.700, at least two policemen shall be on duty at all times, both day and night.

By Mr. Lowman.

H. B. No. 353. AN ACT relating to deferment of ad valorem taxes by taxpayers in certain instances.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) Any taxpayer who owns and resides in a single family dwelling, title of which is recorded in taxpayer's name, may defer payment of ad valorem taxes thereon, which become due from the date the taxpayer reaches the age of sixty-five years or from the date the taxpayer begins receiving a pension or retirement pay other than that which the taxpayer has wholly paid for and which constitutes the major portion of the taxpayer's income. The taxes on such dwelling may be deferred

until the termination of the taxpayer's pension or retirement pay if he has not then reached the age of sixty-five years; until the taxpayer's death; or until the taxpayer's dwelling is sold or otherwise disposed of.

(2) Upon the termination of the taxpayer's pension or retirement pay if he has not then reached the age of sixty-five years; or upon the taxpayer's death; or upon the sale or other disposition of the taxpayer's dwelling, the taxes which have accrued thereon, shall become payable and the dwelling shall then become subject to all provisions of law relating to property on which taxes are delinquent.

(3) The taxes upon such dwelling shall bear interest at three percent per year until the deferment period is terminated, by the taxpayer's death; by the termination of the taxpayer's pension or retirement pay before he reaches the age of sixty-five years; or by the sale or other disposition of the taxpayer's dwelling. Non-interest bearing certificates of delinquency may be issued on such property as provided by law for other property, but, no penalties or interest shall apply to such certificate.

(4) The accumulated taxes shall constitute a prior lien upon such property in favor of the state, county, city or other taxing district of the state. Upon the sale of such property for taxes the proceeds thereof shall be distributed prorata between the various taxing districts to which taxes are owed, if the proceeds from such sale are not sufficient to pay all ad valorem taxes due thereon.

By Mr. Losey.

H. B. No. 354. AN ACT relating to the selection and adoption of textbooks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. On or before July 1, 1954, the Superintendent of Public Instruction shall classify the elementary and secondary

school subjects included in the state course of study as prescribed by the State Board of Education, under eight subject fields as follows: (1) English, (2) Mathematics, (3) Social Science, (4) Science and Health, (5) Vocational, (6) Commercial, (7) Fine Arts, and (8) Foreign Languages. A State Textbook Selecting Committee consisting of seven members shall be appointed for each adoption for each of the eight subject fields. The State Textbook Selecting Committee shall be appointed by the State Board of Education upon recommendation of the Superintendent of Public Instruction.

On or before January 15 of each year, Textbook Selecting Committees shall be appointed according to the provisions of this Act, to select textbooks in those subject fields in which contracts for textbooks are to expire during the succeeding year.

Section 2. Members of the State Textbook Selecting Committees shall have had not less than five years teaching or supervising experience in the public schools of Kentucky and must have had at the time of their appointment at least four years of college training in a recognized institutoin of higher education. Four members of each committee shall be classroom teachers actively employed in public schools of Kentucky as teachers in the subject field for which that committee will select books. Two members shall be school administrators of recognized standing and ability. One member shall be a member of the faculty of a public institution of higher education engaged in teacher education. In selecting the committee or committees for each adoption the Superintendent of Public Instruction shall give due regard to representation from rural and urban areas and to both elementary and secondary levels when both educational levels are included in the subject fields for which adoptions are to be made.

Section 3. It shall be the duty of each Textbook Selecting Committee to take into account the need of the various types of school organizations and to select ten books or series of books for each subject in the committee's field, provided that as many suitable ones are submitted for their consideration. In the event that fewer than ten books or series of books are sub-

mitted, the committee shall recommend all that are considered by the Committee to be suitable.

Not later than February 15 of each year, the Superintendent of Public Instruction shall call these committees into session at the State Capitol, at which session they shall organize and proceed under rules and regulations formulated by the State Board of Education; provided that the final report of the selecting committees shall be presented to the Superintendent of Public Instruction not later than October 1 of the succeeding school year. Members of the Selecting Committees shall serve without remuneration except reimbursement for their actual expenses while attending committee meetings. The term of office of each committee shall be from date of appointment to date of final adoptions by the State Board of Education in the subject field for which said committee was appointed.

Section 4. Within thirty days after the receipt of the recommended list of books the Superintendent of Public Instruction shall present this list to the State Board of Education at a regular or called meeting at the State Capitol. It shall be the duty of the State Board of Education to review the work of the Selecting Committees and to reject any book or series of books which in the judgment of the Board may be unsuitable for use in the schools of Kentucky or improperly made or excessive in cost. The Board shall submit in writing at the time of rejection the reasons for the rejection which reasons shall be made public. The Board shall then require the Selecting Committee to make substitute selections for any rejected books. The State Board of Education shall prepare a list of the books adopted and the Superintendent of Public Instruction shall publish same and send a copy to the Superintendent of each county and each independent school district in Kentucky on or before December 1.

The State Board of Education shall make and execute contracts for the selected books with the publishers within fifteen days of the approval of the books recommended by the Selecting Committees. Except for the adoptions in 1955 described hereafter in this Act, all contracts shall run for 4 years, except that in the subject of reading and children's literature for Grades

1, 2, and 3, after approval by the State Board of Education, two books for each subject and grade shall be adopted.

The Board of Education of each county and independent school district shall upon recommendation of its superintendent and not later than April 1 of any adoption year select from the list one book for each subject and grade to be used as a basal text in its school system for a period of four years, except that in the subjects of reading and children's literature for Grades 1, 2 and 3 two books for each subject and grade shall be adopted.

After the local board of education has adopted the basal textbooks for use of the district and not later than April 15, the superintendent of school shall send the Superintendent of Public Instruction a complete list of books so adopted properly certified by the Chairman and Secretary of the Board of Education.

Section 5. The schedule of adoptions shall be as follows:

Adoptions in the fields of English and Foreign Languages shall be made in 1955 and the period of adoption shall be for 4 years.
Adoptions in the fields of Social Science and Fine Arts shall be made in 1955 and the period of adoption shall be for 3 years.
Adoptions in the fields of Mathematics and Commercial shall be made in 1955 and the period of adoption shall be for 2 years.
Adoptions in the fields of Science and Health and Vocational shall be made in 1955 and the period of adoption shall be for 1 year.

Provided, however, in 1955 not more than one-half of the textbooks in use may be changed, and provided further, that all state adopted textbooks in use at the time shall be included on the multiple list adopted by the State Board of Education, if same are submitted.

Upon expiration of the periods of adoptions in each of the above fields, adoptions shall be made for a period of 4 years. Local changes shall be limited to one half of the number of

books being considered for change in that year. Any book dropped from the multiple list may be continued for an additional adoption period of four years provided the price is not higher.

Section 6. Any person desiring to offer textbooks for adoption and use in the public schools of Kentucky, shall before such textbooks may be lawfully adopted by the State Board of Education or purchased by any board of education, comply with the following conditions: Such person shall file with the Superintendent of Public Instruction:

(a) Copies of all textbooks which such person desires to offer for adoption and use, together with a sworn statement of the list price, the lowest net wholesale price and the lowest net exchange price at which each of such books is sold in any adopting unit.

(b) Copies of any revision or special editions of any such textbooks and a statement describing exactly and in detail each and every point of difference from the regular edition filed and the list price, the lowest wholesale price and the lowest net exchange price at which revisions or special edition is sold in the United States.

(c) A fee of five dollars ($5.00) for each book filed except where a series of books is filed, in which case he shall pay five dollars ($5.00) for the first book of the series and one dollar ($1.00) for each additional book of the series. The fee provided by this section shall be paid at each and every adoption or readoption period. The fees received under the provisions of this section shall be placed in the State Treasury to the credit of a revolving fund to be used to cover the cost of compiling and publishing lists of books, for necessary expenses of the State Textbook Selecting Committees and for other costs of administering the provisions of this act. If, and when, the balance of this fund, in the judgment of the State Board of Education, exceeds that which is necessary for the aforesaid purposes, the excess, upon the action of the State Board of Education, shall be transferred to the free textbook fund of the state.

(d) A bond, running to the Commonwealth of Kentucky with a responsible surety company authorized to do business in the Commonwealth of Kentucky as surety therein, in a sum to be determined by the State Board of Education, but not less than two thousand dollars ($2,000.00) nor more than ten thousand dollars ($10,000.00) conditioned as follows:

(1) That such person will furnish any of the books listed in such statement for a period of the complete adoption to any school district in the State of Kentucky or to any dealer appointed by such district, at the lowest net wholesale price contained in said statement, f.o.b. the publisher's nearest shipping point.

(2) That such person will automatically reduce such price in Kentucky whenever reductions are made anywhere in the United States, so that at no time shall any book so filed and listed as above provided be sold in Kentucky at a higher net wholesale price than is received for such book elsewhere in the United States.

(3) That in case such person prepares an abridged or special edition of any book so listed by him and sells such special edition elsewhere at a lower net wholesale price than the net wholesale price set out in the above statement, such person shall file a copy of such special edition together with the price thereof, in a supplemental statement with the Superintendent of Public Instruction.

(4) That all books sold in the Commonwealth of Kentucky shall be equal to and identical with the specimen books deposited in the office of the Superintendent of Public Instruction, as above provided, as regards size, paper, binding, print, illustrations, subject matter, and other particulars which may effect the value of textbooks.

(5) That such person shall not enter into any agreement, understanding, or combination to control the price of textbooks or to restrict competition in their sale in the Commonwealth of Kentucky.

The form of such sworn statement and such bond shall be approved by the Attorney General. Such bond shall be in force for the adoption period for which a book is offered. Such a person may at any time while such bond is in effect, file a supplemental statement covering additional books or special editions of books already filed, which supplemental statement shall expire at the date of expiration of the original statement and bond. Prior to the expiration of any statement and bond, such person may file a new statement and bond for a new adoption period, but if he fails to do so, his right to offer textbooks for adoption and use in the public schools of Kentucky shall expire on the date of the expiration of the former bond.

Section 7. After July 1, 1955, no textbook shall be used in any public school in Kentucky as a basal textbook, unless it has been approved and adopted according to the provisions of this Act. But nothing in this Act shall apply to the supplementary books as may be needed from time to time.

Section 8. Each board of education in the Commonwealth may appoint a dealer, or dealers, to act as official retail agent, or agents, for the sale of books for use in such school's district, or any school unit may purchase and distribute books, etc., to its own patrons instead of having an agent or dealer to handle the books. Publishers whose books have been adopted under the provisions of this Act, shall furnish such books either through such official retail agents, or through respective boards of education at the lowest net wholesale price and the lowest net exchange price listed with the Superintendent of Public Instruction, f.o.b. the publishers' nearest shipping point. Such official retail agent, or agents, shall give a reasonable bond, if required to respective publishers who have contacts to furnish adopted books. All orders given by such retail agent, or board of education, shall be promptly filled. Such official retail agent, or agents, shall sell such books at not more than fifteen (15) per cent in excess of the net wholesale price. Where old books, displaced by new adoption, are offered by pupils in exchange for the corresponding new books, such new book shall be offered at a price not to exceed fifteen (15) per cent of the net exchange price listed by the publisher. If any such agent violates

the requirements of this Act, or fail to give reasonable bond requested by any publisher, the board of education that appointed such agent, by giving notice prior to May 1 in any year, may revoke the appointment of such agent on July 1 of that year. When an agent or dealer's permit is revoked or terminated by mutual agreement or otherwise, all textbooks as per inventory of the dealer or agent must be paid for at wholesale price by the company, firm, or individual from whom such textbooks were purchased, provided such textbooks are of the lawful adoption.

Section 9. It shall be the duty of the superintendent of schools in each district to notify the Superintendent of Public Instruction of any violation by the publisher of any of the conditions in the publisher's bond on file with the Superintendent of Public Instruction. If the Superintendent of Public Instruction finds that such violation has occurred, he shall instruct the Attorney General to bring suit thereon against the publisher. In case judgment is received, any sum paid on such bond shall be placed to the credit of the general school fund of the Commonwealth.

Section 10. When a pupil removes from any school district, the board of education of such district shall purchase from such pupil, if requested so to do, the textbook owned by the pupil and in actual use at the time by the pupil in such district. The price to be paid shall be based upon condition of the books, and the same may be sold by the board of education, or furnished to indigent children in such district.

Section 11. No superintendent, teacher, or other official, or employee of any institution supported wholly or in part by public funds shall act, either directly or indirectly, as agent for any person whose school textbooks are filed with the Superintendent of Public Instruction, as provided by law. Such sample textbooks as may be submitted to members of the State Board of Education for examination shall continue to be the property of the bidder if claimed within 30 days after adoption or shall be sold by the State Board of Education and the money covered into the state school fund.

Section 12. No person shall secure or attempt to secure the adoption of any school textbook or books in any school district in the Commonwealth by rewarding or promising to reward, directly or indirectly, any person in any public school in the Commonwealth. No person shall offer or give any emolument to any person in any school district for any vote or promise to vote, or the use of his influence, for any school textbook or books to be used in the Commonwealth.

Section 13. Any person violating any of the provisions of this Act shall, on conviction thereof, be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment not to exceed three months, or by both such fine and imprisonment.

Section 14. Sections 156.260 to 150.380 inclusive, and subsection (2) of Section 156.990 of the Kentucky Revised Statutes are hereby repealed.

By Mr. Lowman.

H. B. No. 355. AN ACT relating to revenue and taxation; increasing the rates of various taxes and appropriating the revenue derived therefrom.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsection (1) of Section 138.140 of the Kentucky Revised Statutes is amended to read as follows:

(1) A tax shall be paid on the sale of cigarettes made of tobacco or any substitute for tobacco, of two and one-half cents on each ten cents or fractional part thereof of the retail selling price. This tax shall be paid only once, regardless of the number of times the cigarettes may be sold in this state.

Sec. 2. Subsection (3) of Section 243.720 of the Kentucky Revised Statutes is amended to read as follows:

(3) There is levied upon the sale or distribution by sale or gift of malt beverages an excise tax of $3.00 on each barrel of thirty-one gallons and a proportional rate per gallon on malt beverages sold or distributed in any container of more or less than thirty-one gallons.

Sec. 3. The revenue derived from the taxes imposed by KRS 138.140 and subsection (3) of KRS 243.720 shall be credited to the General Expenditure Fund in the State Treasury, for general state purposes.

Ordered that said bills be printed and referred.

Mr. Hanratty moved that the House do now adjourn to meet again at 8 o'clock, p.m., Monday, February 20, 1950.

Mr. Waterfield moved to amend the motion as made by Mr. Hanratty in that the House do now adjourn to meet again at 10 o'clock, a.m., Thursday, February 23, 1950.

Without objection, the motion as made by Mr. Waterfield was withdrawn.

Said motion as made by Mr. Hanratty was then agreed to.

And then the House adjourned.

MONDAY, FEBRUARY 20, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by the Reverend H. Glenn Stephens, pastor of the South Presbyterian Church, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams
Bill Adams
Edgar Arnett
Sidney Baer
Clarence J. Barnum
C. E .Baumgardner
John D. Beatty
Fred Beshear
R. O. Blevins
L. E. Bradley
Edward O. Bridgers
Thomas L. Britton
Charles J. Bronston
J. D. Buckman, Jr.
Mrs. M. E. Burnett
Charles W. Burnley
Stanley Carter
Paul Combs
R. Josh Cosby
B. H. Crider
Owen Deering
G. I. Drury
Thomas R. Duncan
R. C. Estepp, Sr.
Mitchell S. Fannin
Henry C. Hale
C. A. Hammons
James P. Hanratty
George F. Harris
Paul E. Hayes
John A. Head
Harold G. Helm
William K. Henry
E. R. Hilton
Ray Holbrook
Woodrow W. Hollan
Chester J. Holsclaw
W. M. Horn
Durham W. Howard
Maurice G. Howard
Robert N. Hubbard
Silas Jacobs
Paul S. Jonas
Barkley Jones
William Jones
James W. Lambert
Jesse H. Lawrence
Homer E. Losey
A. L. (Chick) Love
Harry K. Lowman
True Mackey
Damon Majors
John Martin
William T. Marshall
G. Lee McClain
Jack McPherron
Archie R. Moore
Emmett G. Moore
Walter R. Moorman
Fred H. Morgan
C. S. Nabb
Dr. C. E. Palmore
James H. Polsgrove
Leonard W. Preston
W. R. Reasor
Carl J. Ruh
Amos Runyan
Dr. Roy Sanders
LeRoy Saylor
Roy Searcy
Paul E. Shannon
Gus Sheehan, Jr.
Forest Smith
Joseph T. Snapp
John M. Spaulding
J. Claude Stacy
Roy Steers
Raymond D. Stigall
Mrs. Thelma Stovall
W. R. Stringer
Egbert V. Taylor
M. G. Thompson
Rev. T. H. Tinsley
Ralph N. Walter
Fred M. Warns
Harry Lee Waterfield
Morris Weintraub
G. F. Williamson
Charles W. Wirsch
Adron Doran,
Speaker

Mr. Baer moved that leaves of absence be granted to Messrs. Bailey, Bean, Calvert, Houpt, Mitchell, Rayburn, Shaw and Webb.

Said motion was agreed to.

Mr. McPherron moved that the rules be suspended and the privilege of the floor extended to Mr. and Mrs. Steve Stevenson.

Said motion was unanimously agreed to.

Mr. Smith moved that the rules be suspended and the privilege of the floor extended to Misses Jewel Barnett and Eleanor Campbell, Messrs. Samuel Mayes and Tommie Cundiff.

Said motion was unanimously agreed to.

Mr. Searcy moved that the rules be suspended and the privilege of the floor extended to Mr. James R. Salyers.

Said motion was unanimously agreed to.

Mr. Losey moved that the rules be suspended and the privilege of the floor extended to Mr. Claude L. Hammons, former member of the House of Representatives.

Said motion was unanimously agreed to.

Mr. Jonas moved that the rules be suspended and the privilege of the floor extended to Mr. E. F. Prichard.

Said motion was unanimously agreed to.

Mr. Archie R. Moore moved that the rules be suspended and the privilege of the floor extended to Mr. and Mrs. Woodrow Read, Greendale, Kentucky, and Mrs. Byron Royster, Sebree, Kentucky.

Said motion was unanimously agreed to.

Mr. Archie R. Moore moved that the rules be suspended and Miss Joyce Howell, Island, Kentucky, be made an Honorary Page for the day only.

Said motion was unanimously agreed to.

Mr. William Jones moved that the rules be suspended and the privilege of the floor extended to Mr. L. C. Turner, Trigg County, Kentucky.

Said motion was unanimously agreed to.

Mr. Maurice G. Howard moved that the rules be suspended and the privilege of the floor extended to Mrs. J. D. Buckman, Jr.

Said motion was unanimously agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed resolutions and bills which originated in that body of the following titles, viz:

S. Res. No. 12. A JOINT RESOLUTION authorizing Bruce Thomas Lykins to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

THAT Bruce Thomas Lykins is authorized to sue the Commonwealth of Kentucky in Boyd Circuit Court for damages resulting from injuries caused by the alleged negligence on the part of an employe of the Commonwealth of Kentucky while said employee was in line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $15,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the alleged claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the state treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of

the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument of the jury.

STATE OF KENTUCKY,
COUNTY OF BOYD.

SUBJECT: AFFIDAVIT OF BRUCE THOMAS LYKINS

The affiant, Bruce Thomas Lykins, being first duly sworn states that he is a resident of Ashland, Boyd County, Kentucky; that in the month of October, 1946 while he was lawfully a passenger in a Commonwealth of Kentucky Highway Patrol car driven by one John Johnson, then and there an employee of the Commonwealth of Kentucky, the said Johnson drove said patrol car in such a careless and negligent manner as to wreck the same and cause serious injuries to the affiant without any fault upon his part; that as a direct result of said negligence and accident the affiant has suffered and continues to suffer a concussion of the brain, broken left leg, frequent headaches and absentmindedness, inability to remember, permanent injury to the eyesight, inability to engage in heavy lifting or other physical labor, and continual pain and suffering; that all of the above was the fault and neglect of the Commonwealth of Kentucky and its employee without like or any fault on the part of the affiant.

Bruce Lykins

Bruce Thomas Lykins

Subscribed and sworn to before me by Bruce Thomas Lykins this March 15, 1948.

My commission expires: June 11, 1951.
SEAL.

Louise Maggard

Notary Public

S. Res. No. 15. A JOINT RESOLUTION authorizing Paul V. Wyatt of R.F.D. 2, Paris, Kentucky, to sue the Commonwealth of Kentucky, and the Department of Highways, either or both.

Said resolution is as follows, viz:

WHEREAS, it is alleged that on August 16, 1949, on U. S. Highway No. 460 in Montgomery County, Kentucky, while Paul V. Wyatt was operating his automobile in a careful manner on his right hand side of the road a 1942 International truck owned by the Commonwealth of Kentucky and driven by Paul Perry, then an employee of the Commonwealth of Kentucky and the Department of Highways, passed to its left or wrong side of the road and through the negligence of the driver, Paul Perry, was brought into collision with the automobile owned and driven by Paul V. Wyatt resulting in personal injuries, medical expenses and loss of time to Paul V. Wyatt and property damage to his automobile.

NOW THEREFORE

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

(1) That Paul V. Wyatt of R. F. D. 2, Paris, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways, either or both, in the Montgomery Circuit Court for personal injuries, medical expenses, loss of time and property damage resulting from the accident and collision caused by the alleged negligence on the part of the Commonwealth of Kentucky and the Department of Highways on the part of an employee thereof while acting in the line of duty.

(2) The suit shall be for a sum not in excess of fifteen thousand ($15,000) dollars.

(3) The Attorney General may investigate the claim herein referred to and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered by Paul V. Wyatt on this claim, either by suit or a settlement by the Attorney General, shall be paid out of the State Road Fund upon a warrant drawn by the Commissioner of Finance upon the State Treasurer.

(4) In the event suit is filed and judgment rendered by the Circuit Court either party may appeal to the Court of Appeals of Kentucky.

(5) No statement of this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky or the Department of Highways, and this resolution shall not be introduced as evidence nor commented upon by counsel in argument to the jury.

S. Res. No. 20. RESOLUTION authorizing Esther Thomason to file suit against Board of Education of Grayson County, Kentucky.

Said resolution is as follows, viz:

WHEREAS, On December 5, 1947, Esther Thomason attended a public meeting at the school building at Clarkson, Kentucky, which building and grounds were owned by the Board of Education of Grayson County, Kentucky, and used for public school purposes, and on said occasion, and after dark, the said Esther Thomason fell into a deep hole on said school grounds, immediately back of said school building, and was injured severely through the alleged carelessness and negligence of the Board of Education of Grayson County, Kentucky, in failing to maintain a light or guard-railing at said hole,

NOW, in order that said Esther Thomason may have the question of liability determined by judicial action for alleged negligence, carelessness, injury and damages;

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Esther Thomason be and she is hereby authorized and permitted to sue the Board of Education of Grayson County, Kentucky, in the Grayson Circuit Court (Kentucky) for such damages, if any, she may have suffered or sustained by any wrongful injury by reason of falling into a hole on the public school grounds at Clarkson, Kentucky, which injuries are alleged to have resulted from the carelessness and negligence of the Board of Education of Grayson County, Kentucky;

That in any action so brought the Board of Education of Grayson County, Kentucky, shall not be permitted to plead or rely upon any statute of limitation provided the action is brought within six months after this resolution becomes effective;

That in the event said Thomason shall recover any judgment against the Board of Education of Grayson County, Kentucky, it may appeal as in other civil cases, or if she fails to recover judgment, she may appeal as in any other civil case;

That any suit so brought may be settled and adjusted by said parties, as in the manner of any other civil suit;

That the amount of any judgment or settlement shall be paid out of the public funds under the control of said Board of Education of Grayson County, Kentucky, upon its order.

2. Nothing contained in this resolution shall be considered by the court or jury as substantive evidence on the merits of the alleged claim, and the court shall instruct the jury that the resolution authorizing the suit shall not be considered as an admission of liability on the part of the Board of Education of Grayson County, Kentucky, or any of its agents or employees, nor an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

The amount to be sued for under this resolution shall not exceed the sum of Three Thousand ($3,000.00) Dollars.

S. Res. No. 21. RESOLUTION authorizing Pirtle Thomason to file suit against Board of Education of Grayson County, Kentucky.

Said resolution is as follows, viz:

WHEREAS, on December 5, 1947, Pirtle Thomason attended a public meeting at the school building at Clarkson, Kentucky, which building and grounds were owned by the Board of Education of Grayson County, Kentucky, and used for public school purposes, and on said occasion, and after dark, the said Pirtle Thomason fell into a deep hole on said school grounds, imme-

diately back of said school building, and was injured severely through the alleged carelessness and negligence of the Board of Education of Grayson County, Kentucky, in failing to maintain a light or guard-railing at said hole,

NOW, in order that said Pirtle Thomason may have the question of liability determined by judicial action for alleged negligence, carelessness, injury and damages;

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That Pirtle Thomason be and he is hereby authorized and permitted to sue the Board of Education of Grayson County, Kentucky, in the Grayson Circuit Court (Kentucky) for such damages, if any, he may have suffered or sustained by any wrongful injury by reason of falling into a hole on the public school grounds at Clarkson, Kentucky, which injuries are alleged to have resulted from the carelessness and negligence of the Board of Education of Grayson, Kentucky;

That in any action so brought the Board of Education of Grayson County, Kentucky, shall not be permitted to plead or rely upon any statute of limitation provided the action is brought within six months after this resolution becomes effective;

That in the event said Thomason shall recover any judgment against the Board of Education of Grayson County, Kentucky, it may appeal as in other civil cases, or if he fails to recover judgment, he may appeal as in any other civil case;

That any suit so brought may be settled and adjusted by said parties as in the manner of any other civil suit;

That the amount of any judgment or settlement shall be paid out of the public funds under the control of said Board of Education of Grayson County, Kentucky, upon its order.

2. Nothing contained in this resolution shall be considered by the court or jury as substantive evidence on the merits of the

alleged claim, and the court shall instruct the jury that the resolution authorizing the suit shall not be considered as an admission of liability on the part of the Board of Education of Grayson County, Kentucky, or any of its agents or employees, nor an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

The amount to be sued for under this resolution shall not exceed the sum of Three Thousand ($3,000.00) Dollars.

S. Res. No. 23. A JOINT RESOLUTION authorizing J. I. McClendon, of Russell County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That J. I. McClendon, of Russell County, is authorized to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either, in the Russell Circuit Court, for damages to real property caused by alleged negligence on the part of employes of the Department of Highways and the Commonwealth of Kentucky, while said employes were in the line of duty.

The suit of the said J. I. McClendon shall be for a sum not in excess of $3,000.

The Attorney General of the Commonwealth of Kentucky may investigate the claims herein and settle same before or after suit is filed, if he deems it advisable.

Any amount recovered in said suits or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part

of the Commonwealth, and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

S. Res. No. 24. A JOINT RESOLUTION authorizing Arthur Garner, of Russell County, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Arthur Garner, of Russell County, Kentucky, is authorized to sue the Commonwealth of Kentucky, and the Department of Highways of Kentucky, or either, in the Russell Circuit Court for damages to real property caused by alleged negligence on the part of employes of the Department of Highways and the Commonwealth of Kentucky, while said employes were in the line of duty.

The suit of the said Arthur Garner shall be for a sum not in excess of $1,600.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claims herein and settle same before or after suit is filed, if he deems it advisable.

Any amount recovered in said suits or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

S. Res. No. 26. A JOINT RESOLUTION authorizing Walter Payne, of Knox County, to sue the Department of Welfare and the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Walter Payne of Knox County is authorized to sue the Department of Welfare and the Commonwealth of Kentucky, or either, in the Knox Circuit Court, for damages resulting from mental pain and anguish and from expenses incurred caused by alleged negligence on the part of employes of the Department of Welfare and the Commonwealth of Kentucky while said employes were acting in the line of duty as such employes, the alleged negligence growing out of and connected with the death of the daughter of Walter Payne.

Said suit shall be for a sum not in excess of four thousand dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky. No pleas of limitations shall be interposed.

No statement in this Resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

STATE OF KENTUCKY.
COUNTY OF KNOX.

The affiant, Walter Payne, being first duly sworn by me deposes and states as follows;

My name is Walter Payne, I am nearly 58 years of age, and live and reside near Barbourville, Knox County, Kentucky, and I am a farmer and coal miner by trade or profession.

I further state that I am the father of Ethel Payne, who was sent to the Insane Asylum, from Barbourville, Kentucky, on the 20th day of December 1937, and she was sent from Barbourville, Kentucky, and at first she was sent to the Asylum at Lexington, Kentucky, and remained at that place until the 24th day of January 1947, when she was transferred to the Asylum at Danville, Ky. on the 24th day of January 1947, and was found dead in her bed on the 25th day of January 1947.

I further state that at the time my daughter was sent away to the Asylum at Lexington, Ky., that I as father of the daughter did not know that she was going to be sent away until she had been tried and sent, as she was at the time staying with my sister, Lula Nelson and her husband, Roy Nelson, and the record went to show that in case of serious illness or death to notify Roy Nelson, but I as the father of said girl, Ethel Payne, when I learned this I made a Special Trip to the Asylum at Lexington, Ky., and had a talk with the Doctor F. K. Foley, and told him that I was the father of the child and that I wanted to know and keep in touch with her and he made a note as I recall and advised me that in case of serious illness or death that he would notify me of said sickness or death, and he did write and correspond with me from time to time and in that way I was at all times apprised of the condition of my said daughter.

But, I state that as is set out herein, she was found dead in her bed on January 25th, 1947, and the first news that I had of her death was on as I recall, from or about the 2nd day of February 1947, when a man by the name of Reverend Ed Cox, came right to my home here near Barbourville, Kentucky, and he told

me, that he had made and awful mistake and said that he I am very sorry but we received the body of your dead daughter and we have burried her and I preached the funeral and I would like for you to let her rest in our cemetery at our expense and I told him that I would not promise him anything, at this time and he also said that the Asylum at Danville, Ky., pushed this body off on us, and we thought that we was receiving our sister-in-law and then after we had burried her and all was over we got to studying and thinking that there was a mistake and we went back to the asylum at Danville and found our sister-in-law there and she recognized us. I then went the next day of Homer Payne's home at Crummies Creek, in Harlan County, Ky. and he told me that he had learned that they had burried the wrong body and he asked me if I would pay the funeral bill which was about $300, and I told him I would not. I came back home then and I went in a few days to the Asylum at Lexington, Kentucky and I had a talk with the head nurse and I learned that my daughter Ethel Payne was in good health when they moved her from Lexington, Ky. to Danville, Ky except her mine. Then I came back there to the Attorney General's Office at Frankfort, Ky. and had a talk with them and they did not give me very much satisfaction and but sent me to the Welfare Department and I talked to them and they did not give me any information, so I then next went to the Asylum at Danville, Ky., and they owned up to me that they had sent my daughter away to some other people and then I came back and got the Undertaker and spent one day, trying to locate the grave in Laurel County, out in a country cemetery, and late in the afternoon we located it, and then the next day, I came back and took with me, myself, the undertaker, Fred Schwartz, Charlie Payne, Zeke Payne, Clinton Mills and John Yeager and Grant Mills, and we worked about all day in getting that body out to the highway so that she might be brought home.

I state further that it was an awful job, when we got down to the body or the casket box, the water was one more sight in the grave. I got down in the grave held up the head of the casket and had and had to hold it two or three minutes in order to let the water drain out of the casket box, then we got the

casket out of the box after so long a time, and when this was done, then Itook a large long gree ple and prized the casket box up and it was so wet that it would not hold together, but then we finally got it so that it would hold together and we put the casket in it and put this in a country wagon drawn by two horses, maybe a mule and horse and hauled this over to the highway, when we got there the undertaker with the hurst, met us and took the casket out of the box, wrapped it up in a tarpolin and put it in the hurst and we threw the casket box away. We brought the body on home or to the funeral home of Martin & Swartz, and there they cleaned the casket the outside as best they could, and did not open the casket, as they brought this casket home the undertaker had to strap it together in order to get it to hold together, and the body was buried near our home on the ——— day of February 1947.

I say that this was an awful thing for me as father and my wife and folks to have to go through with, and I say that I had a contract with the State to notify me of this and they did not, and I consider that a contract, and then the mental pain and anguish that I suffered, all told in the sum of $3500.00 and then the extra expense I had to be out and time around $500, not exceeding the sum of $4000.00 no part of which has been paid, and I feel that I should be paid by the State for this contract being breached and mental pain and suffering and also the expense as above set out, all not to exceed the sum of $4000.

Witness Signature

J B Campbell Barbrville Ky.

his

Walter X Payne

mark

Subscribed and sworn to before me by Walter Payne, this the 24th day of January 1950.

By Birchel Mae Pope, Notary Public

My Commission expires March 28, 1951.

S. B. No. 108. AN ACT relating to certificates of eligibility for contractors, amending Section 176.130 of the Kentucky Re-

vised Statute by inserting sixty days in (2) thereof in lieu of the present thirty days.

Said resolution is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 176.130 of the Kentucky Revised Statute is amended to read as follows:

(1) Every person who seeks to procure, bid upon, or offer to bid upon any contract with the department for the construction or maintenance of any public road or any section thereof, before procuring a proposal form or submitting any bid to obtain such contract, shall procure a certificate of eligibility from the department to bid on such work.

(2) All applications for a certificate of eligibility shall be made to the department in writing, and the department shall act upon the application within sixty days after the application is filed.

(3) A certificate of eligibility is not necessary where the department purchases equipment, material and supplies directly, except in the case of the purchase of crushed stone in lots of more than one thousand tons, or bituminous materials in tank car lots.

S. B. No. 118. AN ACT relating to drainage commissioners, boards, districts, and divisions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. KRS 267.490 is amended to read as follows:

(1) In all counties having seventy-five or more drainage districts a drainage commissioner shall be appointed as pro-

vided in Section 5 of this Act who shall have and exercise all of the powers and duties vested in directors and boards of drainage commissioners elected under the provisions of KRS 267.090 and 267.100. The person so appointed shall hold office for a term of one year and until his successor shall be appointed and qualify. He shall execute bond for the faithful performance of his duties in the penal sum of five thousand dollars, and shall be sworn to faithfully perform the duties of his position to the best of his ability. Any vacancy in said office shall be filled by the board of supervisors.

(2) The commissioner may acquire, hold, encumber, sell and convey any property necessary to the conduct of his affairs as commissioner, may sue and be sued, contract and be contracted with, and shall possess any other powers and rights necessary for carrying on his work under the provisions of this chapter. No sale or conveyance of real property shall be made by the commissioner without the written consent of the board of supervisors duly entered in the minutes of the board.

(3) The commissioner shall be paid as full compensation for his services an amount fixed by the board of supervisors at the time of his appointment as reasonable, provided the amount is within available funds and not inconsistent with legal limitations on salaries. In addition, the commissioner shall be reimbursed for all traveling expenses incurred in the performance of his duties which, with the salary, shall be paid out of the drainage funds.

(4) With the approval of the board of supervisors, the commissioner may appoint a secretary-treasurer and fix his compensation. The secretary-treasurer shall collect and receive all moneys due to the drainage commissioner by reason of assessments and otherwise, and shall disburse the same as directed by the drainage commissioner. The secretary-treasurer shall execute bond to the Commonwealth of Kentucky for the use and benefit of the drainage districts in the county, in a penal sum to be fixed by the county judge and shall make an annual report to the board of supervisors of all collections and disbursements. The commissioner shall submit an audit of the drainage funds biennially to the board of supervisors.

(5) A board of five supervisors shall be established as hereinafter provided. The county judge shall call a general meeting during the month of May wherein owners of lands included in established drainage districts shall be eligible voters. In a general way, the judge shall indicate, at such meeting, five divisions of the total drainage district areas that will be somewhat equal in terms of area of land. Land holders in each division so defined by the county judge shall elect by vote one of their number. The judge may hold elections for all such divisions on a given day or designate two or more days for such elections. The term of office will be four years, except that after the first election the five supervisors shall cast lots by which two shall be selected for two year terms and three for four year terms. Thereafter similar elections shall be held biennially and for four year terms. The supervisors within two weeks following their election shall elect from their number a chairman and vice chairman. A secretary-treasurer shall be elected who may or may not be of their number. At this meeting the supervisors shall fix the number, time and place of regular meetings. Special meetings of supervisors may be on call of the chairman. The board of supervisors shall have the authority to fix salaries as provided above, to determine qualification standards for a drainage commissioner, secure and appoint such commissioner, to counsel and advise with the commissioner for the purpose of effecting the greatest good to the greatest number of land owners within the district and shall receive and record reports of progress from the commissioner. Any vacancies in the board of supervisors due to death, resignation or incapacity to serve shall be filled by appointment made by the county judge.

(6) The board of supervisors shall have the power and authority to equalize assessments of all lands of like classification for and only for, the purpose of providing funds to purchase machinery and equipment necessary in carrying out the work of the commissioner.

Sec. 2. Whereas, the economic development of Kentucky is being impeded due to lack of proper authority being vested in its drainage commissioners, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

S. B. No. 125. AN ACT relating to stenographers for County Judges.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 25.290 of the Kentucky Revised Statutes is amended to read as follows:

In all counties having a population of 200,000 or over, and in all counties containing a city of the second, third, fourth or fifth class, the county judge, if so authorized by the fiscal court, may appoint a stenographer for a term of four years. He may remove the stenographer at any time.

Sec. 2. WHEREAS, it will be beneficial to many counties to obtain the services of a stenographer under the terms of this Act as soon as possible,

NOW, THEREFORE, an emergency is declared to exist and this Act shall take effect from and after its passage and approval by the Governor, or from and after such time as this Act becomes a law without the approval of the Governor.

S. B. No. 127. AN ACT providing for trial commissioners, one of whom may serve as Judge Pro Tem, in Police Court of Cities of the first class, setting forth powers, duties and compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 26.220 of the Kentucky Revised Statutes is hereby repealed and re-enacted and as so re-enacted shall read: The Judge of Police Court of a City of the first class may appoint two trial commissioners, and may designate one of them to serve as pro tem judge. They shall hear cases in rooms provided

by the City legislative body for Police Court and as trial commissioners may sit simultaneously with the Elected Judge. The pro tem judge shall have the same rights, powers and duties as the Elected Judge whenever the Elected Judge fails to attend and hold Court, or vacate the bench. The trial commissioners and pro tem judge shall have the same qualifications as the Elected Judge, shall hold office at the pleasure of the Elected Judge and shall not practice any case in Police Court. The compensation of the trial commissioners and pro tem judge for services rendered shall be fixed by ordinance not to exceed the rate of salary of the Elected Judge and be paid by the City at the same time as the salary of other City Officers.

S. B. No. 146. AN ACT changing the classification of the city of Harlan, in Harlan County.

Said bill is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the population of the City of Harlan, in Harlan County, is such as to justify its being assigned to the third class of cities;

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Harlan, in Harlan County, is transferred from the fourth class to the third class of cities.

Ordered that said resolutions and bills be printed and referred.

The message which was received from the Senate also announced that they had passed a resolution which originated in that body of the following title, viz:

H. Res. No. 12. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest" and declaring an emergency.

Ordered that said resolution be delivered to the Enrolling Clerk of this House.

Mr. Harris moved that the reading of the Journal of the proceedings of Friday, February 17, 1950, be dispensed with, and the same be approved.

Said motion was agreed to.

Bills and resolutions of the following titles were introduced, viz:

By Mr. Baer.

H. B. No. 356. AN ACT concerning the time of payment, discount, interest and penalties of tax bills in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION I.

Section 91.430 of the Kentucky Revised Statutes concerning the time of payment, discount, interest and penalties of tax bills in cities of the first class is hereby repealed and reenacted, and as so reenacted shall read:

(1) Tax bills shall be payable in January after the same are listed with the tax receiver for collection, and shall become delinquent on May 1 of the year for which they are made out.

(2) The taxes paid before May 1 in the year for which they are made out may be reduced by discounts not to exceed three percent during such periods and in such amounts as the legislative body of the city may provide by ordinance.

(3) All tax bills uncollected in whole or in part on May 1 next succeeding the day on which they were listed with the tax

receiver shall thereafter bear interest at the rate of one-half of one percent for every month or fraction thereof from May 1 until paid or until the property of the delinquent has been sold for the tax.

(4) On July 1 next succeeding the day on which the tax bills were listed with the tax receiver, a penalty of ten percent of the face of the bill shall be added to all unpaid tax bills, in addition to the interest.

By Mr. Baer.

H. B. No. 357. AN ACT relating to teachers' retirement.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 161.220 of the Kentucky Revised Statutes is amended to read as follows:

As used in KRS 161.220 to 161.710, unless the context otherwise requires:

(1) "Retirement system" means the arrangement provided for in KRS 161.230 to 161.710 for the payment of retirement allowances or disability allowances to teachers.

(2) "Retirement allowance" means the amount annually payable during the course of his natural life to a member who has been retired by reason of superannuation.

(3) "Disability allowance" means the amount annually payable before the deductions authorized in KRS 161.670 during the course of his natural life to a member who has been retired by reason of disability before reaching the age of sixty years.

(4) "Teacher" means:

(a) Any full-time regular or special teacher, principal, supervisor, superintendent, assistant superintendent, librarian, at-

tendance officer, or other full-time member of the teaching or professional staff engaged in the service of the public elementary and secondary schools for whom certification is required as a condition of employment;

(b) All members of the instructional and administrative staffs of Eastern Kentucky State College, Western Kentucky State College, Murray State College, Morehead State College, Kentucky School for the Deaf, Kentucky School for the Blind, Kentucky State College for Negroes, West Kentucky Vocational Training School and Mayo State Vocational School who are regularly employed by a board of education, board of regents or board of trustees for a full term for which school is maintained;

(c) The Superintendent of Public Instruction and the division heads and other professional staff members of the State Department of Education appointed in accordance with KRS 156.140; and

(d) Any member of a local retirement system who became a member of the state retirement system according to the provisions of 1938, 1st ex. s., c.1, Sec. 49.

(5) "Present teacher" means any teacher who was a teacher on or before July 1, 1940, and became a member of the retirement system created by 1938, 1st ex. s., c. 1, on the date of the inauguration of the system or within one year after that date, and any teacher who was a member of a local teacher retirement system in the public elementary or secondary schools of the state on or before July 1, 1940, and continued to be a member of such system until he, with the membership of the local retirement system, became a member of the state retirement system.

(6) "New teacher" means any teacher not a present teacher.

(7) "Prior-service" means the number of years during which the member was a teacher in Kentucky prior to July 1, 1941, as allowed in his prior-service certificate, except that not more than thirty years' prior service shall be allowed or credited to any teacher.

(8) "Subsequent service" means the number of years during which the teacher is a member of the state retirement system after July 1, 1941.

(9) "Prior service certificate" means the certificate issued by the board of trustees of the retirement system designating the amount of accredited service, not to exceed thirty years, of a member prior to July 1, 1941.

(10) "Annual salary" means the average annual salary which the member has received for his services as a teacher in the public schools of Kentucky for five years or for as many years if less than five, prior to July 1, 1941, except that any salary which exceeds two thousand dollars shall be considered two thousand dollars; and during the five years or for as many years if less than five years, immediately preceding retirement by reason of superannuation or disability, except that any salary which exceeds two thousand dollars in any year prior to July 1, 1946, shall be considered two thousand dollars and any salary for any year subsequent to July 1, 1946, and prior to July 1, 1950, which exceeds two thousand four hundred dollars shall be considered two thousand four hundred dollars, and any salary subsequent to July 1, 1950 which shall exceed three thousand dollars shall be considered three thousand dollars.

(11) "Annual compensation" means the contractual salary and additions thereto received by a member as compensation for his services as a teacher in the public schools of Kentucky during a given fiscal year before any deductions, except that any such compensation that exceeds three thousand dollars shall be considered as three thousand dollars only.

(12) "Age of retirement" means the age attained at the last birthday of the member preceding the date of retirement.

(13) "Age of entrance" means the age attained at the last birthday of any member at the time of the establishment of the retirement system, if the member was a teacher subject to membership in the system at that time. Otherwise it means the age attained at the last birthday of any member at the time he first becomes a member of the retirement system. Any birthday

occurring on February 29 shall be considered as occurring on February 28.

(14) "Regular interest" means interest at three percent per annum compounded annually.

(15) "Accumulated contributions" means the contributions of a member plus regular interest.

(16) "Annuitant" means a person who receives a retirement allowance or a disability allowance.

(17) "Local retirement system" means any teacher retirement or annuity system created in any public school district in Kentucky in accordance with the laws of Kentucky.

(18) "Fiscal year" means the twelve-month period from July 1 to June 30.

(19) "Public schools" means the schools and other institutions mentioned in subsection (4) of this section.

Sec. 2. Section 161.540 of the Kentucky Revised Statutes is amended to read as follows:

Each member whose age on the first day of any current scholastic year is less than thirty years shall contribute to the retirement system three percent of his annual compensation. Each member whose age on the first day of any current scholastic year is thirty years and less than forty years shall contribute to the retirement system four percent of his annual compensation. Each member whose age is forty years or more on the first day of any current scholastic year shall contribute to the retirement system five percent of his annual compensation. The contribution of a member shall not exceed his percentage, determined by his age, on his current annual compensation and no contribution shall be made on the excess of annual compensation over three thousand dollars.

Sec. 3. Section 161.610 of the Kentucky Revised Statutes is amended to read as follows:

Any person who has been a teacher in Kentucky for thirty years or more and who withdraws from teaching after June 12, 1940, and before reaching the age of sixty years may refuse to

withdraw his deposits and continue to pay into the fund each year until the end of the fiscal year in which he reaches the age of sixty years the same amount that he was required to contribute during his last full year as a teacher. If he so elects he shall, at the end of the fiscal year in which he attains the age of sixty years and thereafter, be entitled to receive the same retirement allowance as a teacher who retires at the age of sixty years; but any teacher, regardless of age who has completed thirty years of service in Kentucky may retire and in no event shall his yearly benefits be less than four hundred eighty dollars.

Sec. 4. Section 161.620 of the Kentucky Revised Statutes is amended to read as follows:

(1) The retirement allowance of a member retiring for superannuation whose age of retirement is sixty-five years or over shall be one percent of his average annual prior service salary for each year of prior service and one and one-half percent of his average annual subsequent service salary for each year of subsequent service. The retirement allowance of a member retiring for superannuation whose age at time of retirement is sixty years and less than sixty-five years shall be reduced to that amount which the value of the retirement allowance computed as provided in this section at age sixty-five will purchase as of the actual age of retirement of the member, according to the actuarial table in use by the system. The retirement allowance in final amount at age of retirement shall be determined by an actuarial factor equivalent to one at age sixty-five. Said factors shall be determined by the actuary of the retirement system and approved by the Board of Trustees.

(2) For any member retiring on or after July 1, 1950, no retirement allowance shall be greater than one-half of the member's average annual salary, nor greater than one thousand five hundred dollars.

(3) Effective July 1, 1950, and including living retired members and members who retire subsequently, no retirement allowance shall be less than one hundred dollars per year and not less than sixteen dollars per credit year at the time of retirement,

but such total minimum allowance shall not be more than four hundred eighty dollars per year. Any retirement allowance which has been or will be computed to be less than this minimum shall be increased to said minimum.

Sec. 5. This Act shall take effect on July 1, 1950.

By Mr. McPherron.

H. B. No. 358. AN ACT relating to taxes on nonintoxicating malt beverages containing not more than 3.2 percent of alcohol by weight.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 243.720 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is levied upon the use, sale or distribution by sale or gift of distilled spirits a tax of $1.28 on each wine gallon of distilled spirits, and a proportional rate per gallon on all distilled spirits used, sold or distributed in any container of more or less than one gallon, but the rate of the excise tax on spirits in retail containers of one-half pint shall be eight cents.

(2) There is levied upon the use, sale or distribution by sale or gift of wine, a tax of twenty-five cents on each gallon of wine, and a proportional rate per gallon on the wine used, sold or distributed in any container of more or less than one gallon, but in no event shall the tax be less than two cents on the sale or distribution of any retail container of wine.

(3) Except as provided in subsection (4), there is levied upon the sale or distribution by sale or gift of malt beverages an excise tax of $1.50 on each barerl of thirty-one gallons and a proportional rate per gallon on malt beverages sold or distributed in any container or more or less than thirty-one gallons.

(4) There is levied upon the sale or distribution by sale or gift of nonintoxicating malt beverages containing not more than 3.2 percent of alcohol by weight an excise tax of $4.50 on each

barrel of thirty-one gallons and a proportional rate per gallon on nonintoxicating malt beverages containing not more than 3.2 percent of alcohol by weight sold or distributed in any container of more or less than thirty-one gallons. All revenue derived from the tax imposed by this subsection shall be paid into the State Treasury and credited to the Common School Per Capita Fund.

(5) This section shall not apply to:

(a) Wine manufactured, sold, given away or distributed and used solely for sacramental purposes; or

(b) Distilled spirits and wine purchased by holders of special licenses provided for in KRS 243.320 and 243.330 and purchased and used in the manner authorized by those licenses.

By Mr. Lambert.

H. B. No. 359. AN ACT relating to absent voting.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 126.140 of the Kentucky Revised Statutes is amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Absent voter" means any qualified voter who as a result of active membership in the armed forces expects to be absent from the county in which is situated his voting precinct on the day of holding any election.

(2) "Election" means any regular election, primary election or special election, for any federal, state, district, county or city office, including school district offices, and any election upon a public question.

Sec. 2. Section 126.160 of the Kentucky Revised Statutes is amended to read as follows:

Applications for absent voter's ballots shall be signed and sworn to by the absent voter before the county court clerk, or before a civil officer authorized by law to administer an oath. The application shall be substantially in the following form:

"County Court Clerk of _____County.
_____Kentucky.

"I, _____, state that I am a resident of the State of Kentucky and have been such for at least one year prior to the date hereof. I am a resident of _____County and have been such for more than six months prior to said date, and am a resident of _____precinct of said county (or_____ward of the city of_____, county of _____) and have been such for at least sixty days prior to said date; that I am a duly qualified voter of said precinct (or said ward), and I am affiliated with the _____ political party; that as a result of active membership in the armed forces I expect to be absent from said precinct or ward on the election to be held in said precinct or ward on the _____day of _____, 19____, and I will not vote elsewhere at said election. I request that an official ballot be mailed to me at the following address:

_____
(Name and address)

_____
(Rank and unit)

_____
(Voter must sign here, and oath must be administered and attested.)

"Subscribed and sworn to before me this_____day of _____, 19____.

_____
(Name and Official Title)"

Sec. 3. Section 126.170 of the Kentucky Revised Statutes is amended to read as follows:

Upon receipt of any application for an absent voter's ballot, the county court clerk shall examine the registration books for the purpose of ascertaining whether or not the applicant is a registered voter as stated in the application. If the county court clerk finds that the applicant is so registered, he shall forward a ballot to the voter as provided in KRS 126.190. If the applicant is found not to be registered, the county court clerk, upon being satisfied that the applicant is entitled to be registered, shall cause the applicant to be registered in the registration records of the proper precinct, and shall mark upon such registration records the words, "Absentee Registration." Such registration may be made at any time prior to the election for which an absent voter's ballot is applied for.

Sec. 4. Section 126.210 of the Kentucky Revised Statutes is amended to read as follows:

The Secretary of State shall cause to be prepared and printed an appropriate number of inner envelopes for absent voter's ballots, for all counties. Each such envelope shall be gummed, ready for sealing. Upon one side of such envelope shall be printed, in substantially the following form:

OFFICIAL ABSENT VOTER'S BALLOT

Name of Voter _____
and
Residence (street/number, if any) _____
_____

County of _____
City or Town of _____

On the other side of such envelope shall be printed the following oath:

"I do hereby swear (or affirm) that I am a citizen of the United States and am now of the age of at least twenty-one years or will be on the day of the election to be held on the_____

day of _____, 19____ (here insert the day of the election,) that I will have been a resident of the State of Kentucky for at least one year next preceding such election, and a resident of the County of_____for more than six months preceding such election, and a resident of_____ precinct of said county (or _____ ward of the city of _____ County of _____) at least sixty days preceding such election; that I am a duly qualified voter of said precinct or said ward, and I am affiliated with the _____ political party; that as a result of active membership in the armed forces I expect to be absent from said precinct or ward at the time of said election.

_____

(Voter must sign here, and oath must be administered and attested.)

"Subscribed and sworn to before me this_____ day of _____.

_____

(Official Title)"

Such oath shall constitute prima facie evidence that the voter is qualified to vote, unless the statements contained in such oath indicate the contrary.

Sec. 5. Section 126.310 of the Kentucky Revised Statutes is amended to read as follows:

Any oath or affirmation required by this chapter to be taken before a civil officer may be taken before any commissioned officer of the Armed Forces. Any officer before whom the same is taken shall subscribe his name and official designation.

By Mr. Beatty.

H. B. No. 360. AN ACT relating to the office of County Tax Commissioner.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 132.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) There shall be a county tax commissioner in each county in lieu of a county assessor.

(2) County tax commissioners shall be elected at the same time as provided for assessors in Section 99 of the Constitution, and shall possess the qualifications required by Section 100 of the Constitution and by KRS 132.380. They shall take office the first Monday in December and shall serve for a term of four years and until the election and qualification of their successors, except that tax commissioners elected in the year 1949 shall take office the first Monday in January, 1950, and shall serve until the first Monday in December, 1953, and until the election and qualification of their successors. County tax commissioners shall be ineligible for the succeeding four years after the expiration of the term for which they shall have been elected.

(3) A county tax commissioner may be removed from office by the circuit court of his county, upon petition of the department or any taxpayer, for wilful disobedience of any just or legal order of the department, or for misfeasance or malfeasance in office or wilful neglect in the discharge of his official duties, but he or the petitioner may appeal to the Court of Appeals.

Sec. 2. Subsection (1) of Section 132.380 of the Kentucky Revised Statutes is amended to read as follows:

(1) Before any person's name shall be placed upon any ballot as a candidate for the office of county tax commissioner in any primary, or general election, or before he may be appointed county tax commissioner, he shall hold a certificate issued by the Department of Revenue, showing that he has been examined by it and that he is qualified for the office. All certificates shall

expire one year from the date of issuance. The examinations shall be both written and oral, and formulated so as to test fairly the ability and fitness of the applicant to serve as county tax commissioner. The Department of Revenue shall hold such examinations in at least one place in each Congressional District during the month of February in the year in which county tax commissioners are elected. If there is only one person qualified to be a candidate in the county, examinations shall be held again prior to the filing date. The Department of Revenue shall advise each county attorney of the time and place of the examination and the county attorney shall post a notice thereof in a conspicuous place in the courthouse two weeks before such examination is given. Any person desiring to take such examination shall appear at the time and place designated.

By Mr. Sheehan.

H. B. No. 361. AN ACT relating to the teaching of a course in "Character Building" in the common schools.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

A formal course in "Character Building" in which a full credit may be earned shall be taught, as a part of the regular curriculum, in each of the grades, seven to twelve inclusive, of the common schools. This course shall include instruction in self restraint, right ratio between natural urges and the dictates of reason, loyalty, faithfulness, worthy motives, elevating objectives, the clinging to moral principles, management of life on an intellectual basis, ideals in life, devotion to duty, patience, earnestness, honesty, truthfulness, the building up of worthy motives, fair dealing, respect for parents, respect for teachers and elders, respect for private and public property, kindness in school room and home, and clean thoughts and speech.

By Mr. Lowman.

H. B. No. 362. AN ACT to service of process in actions for annulment of marriage.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In an action for annulment of marriage, on any grounds, constructive service of process may be had upon the defendant, and judgment rendered thereon, in any circumstances in which constructive service is authorized under Section 57 of the Civil Code of Practice.

By Mr. Stigall.

H. B. No. 363. AN ACT relating to assistant county attorneys in counties containing less than 150,000 population and not containing a city of the second class, repealing Section 69.275 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 69.275 of the Kentucky Revised Statutes is hereby repealed.

By Mrs. Stovall.

H. B. No. 364. AN ACT relating to exemptions from execution, attachment, garnishment, distress warrant or fee-bill.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 427.010 of the Kentucky Revised Statutes is amended to read as follows:

The following property of a person with a family resident in this state is exempt from execution, attachment, garnishment, distress warrant or fee-bill.

(1) Sufficient household furnishings for family use; all family wearing apparel; all family portraits and pictures; all books of education, religion, reference, and of general or specific information; one radio receiving set; one household refrigerator.

(2) Property not exceeding $1250.00 in value consisting of farm implements, farm machinery, livestock, provender for livestock, poultry, tools, a horse and wagon, and an automobile or truck, essential to carry on the occupation, trade, business or labor engaged in by the person at the time of levy of the execution, attachment, garnishment, distress warrant, or fee-bill.

(3) If the salary, wages or income of every such person, when earned by labor or services of any kind, the following amounts and per-centages thereof shall be exempt from execution, attachment, garnishment, distress warrant, or fee-bill or levy to wit: When the debtor is paid by the week and the earnings at the time of the levy of the attachment, execution, garnishment, distress warrant, or fee-bill do not exceed $25.00, the entire amount earned shall be exempt; when however, the earnings at such time exceed $25.00, then $25.00 and 50% of the excess earned above that sum shall be exempt, not exceeding a toal of $35.00 for any one week; When the debtor is paid bi-weekly or semi-monthly, and the earnings at the time of the levy of the execution, attachment, garnishment, distress warrant, or fee-bill do not exceed $50.00, the entire amount earned shall be exempt; when, however, the earnings at such time exceed $50.00, then $50.00 and 50% of the excess earned above that sum, shall be exempt not exceeding $70.00 for any bi-weekly or semi-monthly period. When the debtor is paid by the month, and the earnings at the time of the service of the execution, attachment, garnishment, distress warrant or fee-bill do not exceed $100.00, the entire amount shall be exempt, however, when the earnings at such time, exceed $100.00 then $100.00 and 50% of the excess earned above that amount, shall be exempt, not exceeding a total of $130.00 for any one month. The lien created by the issuance and levy of an execution, attachment, garnishment, distress or fee-bill shall only apply to that portion of the earnings which is in excess of the sums hereinabove declared exempt. As used herein, the word "week" means the day of the service or levy and not

exceeding six (6) consecutive days next preceding; "bi-weekly" and "semi-monthly" means the day of the levy and not exceeding fourteen (14) days next preceding; "month" means day of levy and not exceeding twenty-nine (29) days next preceding; the word or phrase "person with a family" means a person with one or more dependents wholly dependent upon such person for care and support, and the word "dependents" means any natural or foster child under the age of twenty-one years and includes aged parents who are acutally living with said person and dependent upon said person.

(4) Where a person with a family of this Commonwealth, has a Spouse also earning wages at the time of the proceeding, wherein either or both are parties to an action in Court to subject their earnings or wages, for debt, each party may claim the same exemptions as set forth in the above section, but only one of the two, or either of the two may claim exemptions, to the surplus percent, as set forth in said section.

Sec. 2. Section 427.020 of the Kentucky Revised Statutes is amended to read as follows:

The following property of all persons, other than those whose property is exempted by KRS 427.010, is exempt from execution, attachment, garnishment, distress warrant, or fee-bill:

(1) All wearing apparel

(2) Two suit cases or one trunk

(3) One watch

(4) Property not exceeding $300.00 in value consisting of tools, implements, machinery, and books essential to carry on the occupation, trade, business or labor engaged in by the person at the time of levy of the execution, attachment, garnishment, distress warrant or fee-bill.

(5) Seventy five percent of the amount of salary, wages or income allowed to a person with a family.

Sec. 3. Section 427.030 of the Kentucky Revised Statutes is amended to read as follows:

If the officer making the levy believes that the additional property set forth in KRS 427.010 (2), 427.020 (4), and 427.040, and claimed as exempt under the provisions thereof is in excess of the values allowed to be selected, or if the plaintiff in the writ levied by the officer demands it, the officer shall have the additional property selected appraised by two disinterested housekeepers of the county, one to be selected by the officer, and the other by the defendant, and in case of disagreement, the two shall select a third appraiser, and the appraisers shall be sworn by the officer to perform the duties of appraisers as required by law in the appraisement of real estate, to be sold under execution. When it appears by the appraisement that the additional property selected exceeds the values allowed the defendant shall have reasonable opportunity to modify his claim, and upon his failure or refusal to do so, the officer shall set apart to him as exempt so much of the additional property selected as is shown by the appraisement not to exceed the allowable values, and shall sell the excess in accordance with the instructions of the process under which the levy was made.

Sec. 4 Section 427.040 of the Kentucky Revised Statutes is amended to read as follows:

The libraries of all ministers of the gospel, the professional libraries and office equipment of attorneys, and the professional libraries, office equipment, and instruments of physicians, surgeons, dentists, and other recognized and licensed professional persons up to a value not exceeding $1000.00 are exempt from execution, attachment, garnishment, distress warrant, or fee-bill. Ministers, attorneys, physicians and surgeons shall be entitled to one automobile, provided such automobile is used in connection with and in furtherance of the practice of their profession.

Sec 5. The provisions of KRS 427.010 to 427.040 as amended by this Act shall not apply in actions brought upon contracts entered into prior to the effective date of this Act, and no provision hereof shall be construed to make it retroactive in effect.

By Mr. Ruh.

H. Res. No. 44. A JOINT RESOLUTION providing for an investigation, study, and survey of the problems of safety as related to travel on streets and highways; and providing for a report.

Said resolution is as follows, viz:

WHEREAS, an ever increasing number of motor vehicles are being operated upon our highways; and

WHEREAS, many of such vehicles are antiquated and the equipment thereof is defective; and

WHEREAS, many persons operating such vehicles are unable to adequately respond in damages for injuries occasioned by the negligent operation of their vehicles; and

WHEREAS, all such facts materially increase the hazards of the highway; and

WHEREAS, the Legislative Research Commission is admirably designed to conduct an investigation, study, and survey of past and present practices and procedures evolved in an attempt to solve the problems of safety as related to travel on streets and highways, and to make an unbiased and comprehensive report therein;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission be and it hereby is authorized and directed to make and conduct a thorough and complete investigation, study and survey of past and present practices and procedures evolved, on both the local and state level within and without the Commonwealth, in an attempt to solve the problem of safety as related to travel on streets and highways, and to make a full and comprehensive report thereof

by June 1, 1951. Specifically, the investigation, study and survey shall include research in the practices and procedures of inspection and registration of motor vehicles and examination, licensing and financial responsibility of operators.

That in conducting such investigation, study and survey the members and authorized employes and representatives of the Legislative Research Commission shall have access to all public records, offices and files, and shall have power to make such audits and make photostatic or other copies of such documents, papers or records as deemed necessary or desirable.

By Mr. Mackey.

H. Res. No. 45. A JOINT RESOLUTION granting to W. J. Curtis the right of sepulture in Blue Licks Battlefield State Park, with provisions for a suitable plaque to mark his grave.

Said resolution is as follows, viz:

WHEREAS, W. J. Curtis, of Robertson County, Kentucky, as a member of the 1926 General Assembly, introduced and was instrumental in the passage of a Resolution providing for the establishment of a state park at Blue Licks Battlefield, with a suitable and permanent monument; and

WHEREAS, the said W. J. Curtis, as a member of the 1934 General Assembly, sponsored and secured passage of an Act appropriating funds for the improvement and development of the Blue Licks Battlefield State Park; and

WHEREAS, the said W. J. Curtis deserves enduring public recognition and honor for his untiring efforts on behalf of the establishment and development of said park;

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That W. J. Curtis, of Robertson County, Kentucky, be and he hereby is granted the right of sepulture in Blue Licks Battlefield State Park, permitting his body to be buried at or near the monument to the memory of the soldiers who fell in the

Battle of Blue Licks, and permitting the erection of an appropriate plaque to mark his grave.

By Mr. Moorman.

H. Res. No. 46. A JOINT RESOLUTION authorizing J. E. Carter and Lena Carter, of Breckinridge County, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That J. E. Carter and Lena Carter are authorized to sue the Commonwealth of Kentucky in the Breckinridge Circuit Court for damages for the wrongful death of their son, Nelson Worland Carter, arising out of and in the course of his employment as an employe of the Commonwealth of Kentucky, for which damages the Commonwealth is morally responsible.

Said suit shall be for a sum not in excess of $25,000.

The Attorney General may investigate the claim and may settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Expenditure Fund in the State Treasury upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

The General Assembly hereby expressly recognizes the moral responsibility of the Commonwealth for damages for the death of said Nelson Worland Carter, and in any suit that may be filed under authority of this resolution the jury shall have authority only to fix the amount of such damages.

Ordered that said bills and said resolutions be printed and referred.

Mr. Weintraub moved that the rules be suspended for the purpose of making a motion.

Said motion was disagreed to.

Mr. Reasor of the Committee on Judicial Council, to which the same had been referred, reported a bill of the following title, viz:

S. B. No. 24. AN ACT relating to alimony or divorce.

With the expression of opinion that same should not pass.

No motion having been made to advance said bill to a first reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken on said bill, it was ordered that said bill be not read the first time

And so said bill was rejected.

Mr. Barnum of the Committee on Cities of the First Class, to which the same had been referred, reported a bill of the following title, viz:

H. B. No. 278. AN ACT relating to school taxes, by whom levied; amount of levy; when levy to be made; property subject to levy; furnishing of assessment valuation.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a resolution of the following title, viz:

H. Res. No. 12. A JOINT RESOLUTION providing for the

purchase and distribution of "The Legislative Digest" and declaring an emergency.

Thereupon, all other business was suspended, said resolution was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said resolution to the Senate.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. B. No. 311. AN ACT relating to the payment of expense allowances to certain county officers and employes in counties containing a city of the third class.

S. B. No. 79. AN ACT relating to civil practice and procedure and particularly the code of practice in civil cases; providing for a civil code committee; prescribing powers and duties of such committee and additional powers and duties of the Statute Revision Commission; and making an appropriation.

H. B. No. 247. AN ACT to amend and re-enact Section 586 of the Kentucky Civil Code of Practice.

H. B. No. 240. AN ACT to amend and re-enact Section 336, Criminal Code of Practice, relating to the time, manner and form of appealing and the suspension of a judgment in a criminal proceeding.

H. B. No. 239. AN ACT to amend and re-enact Section 334 Civil Code of Practice relating to exceptions and time for preparing and filing a bill of exceptions.

S. B. No. 4. AN ACT to repeal, amend and re-enact Section 95.768 Kentucky Revised Statutes, 1946 Edition, providing for the establishment of a police and firemen's pension fund in cities

of the fourth class and for the source, custody, investment and disbursement of said fund.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 95.768, Kentucky Revised Statutes, 1946 Edition be, and the same is now repealed, amended and re-enacted.

§ 2. The Police and Firemen's Pension Fund in Cities of the Fourth Class shall consist of (a) the proceeds of an annual tax, which may be levied by the City Legislative Body, of not more than three cents on each one hundred dollars in value of taxable property, (b) all rewards, fees, gifts or emoluments paid or given on account of extraordinary service of any member of the police or fire department; (c) assessments, which the Board of Trustees of the pension fund shall make, upon each member of the police and fire departments, of not more than three and one-half per cent of his salary, to be held from the monthly salary and paid by the City Treasurer into the Pension Fund.

§ 3. Said fund shall be for the pensioning of any policeman or fireman who has served in the Police or Fire Department for at least a period of twenty years or more, providing the applicant has reached his fifty-first birthday, and all members of the police and fire departments shall be entitled to be credited with the services rendered continuously prior to the adoption ordinance under the provisions of Section 95.761, Kentucky Revised Statutes, by said City, to the eligibility of the twenty years, or more, period for pension, not less than three, nor to exceed fifteen years of previous service, and for the further purpose of pensioning any member of the Police or Fire Department who may become permanently crippled while in the service and on duty, and for the further purpose of pensioning the widow or dependent children under the age of fourteen (14) years of age, or either of them, of any member of said departments who may lose his life while in the service and on active duty. The payments made under the provisions of this Section

shall constitute and be kept as a fund to be called the "Policemen's and Firemen's Pension Fund, and the Board of Trustees of the Policemen's and Firemen's Pension Fund, are declared to be the trustees of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and to pursue all the necessary remedies in the premises.

§ 4. All laws, or parts of laws, in conflict herewith are repealed.

S. B. No. 46. AN ACT relating to Judicial Districts; creating an additional district and making changes in the apportionment of counties to the Twenty-Eighth and Twenty-Ninth Judicial Districts in order to comply with the meaning and intent of the Constitution with respect to the division of the State into Judicial Districts.

With Committee amendment to said bill by way of substitute therefor.

H. B. No. 192. AN ACT relating to notaries public, examiners or other officers authorized to take depositions, with particular reference to the fees of such officers and the rights of such officers in taking depositions or statements under oath.

H. B. No. 199. AN ACT providing for flood control districts, as political subdivisions of the Commonwealth of Kentucky, to maintain and operate flood control works.

H. B. No. 262. AN ACT relating to barbiturates.

H. B. No. 208. AN ACT relating to the sealing and closing of abandoned water, gas or oil wells, vertical mine shafts, cisterns or other like artificially created openings in the earth.

S. B. No. 27. AN ACT relating to the practice of dentistry.

S. B. No. 75. AN ACT changing the classification of the City of Somerset, in Pulaski County.

H. B. No. 19. AN ACT empowering justices of the peace to serve on county road committees and providing for payment of a per diem therefor, amending subsection (3) of Section 67.110 of the Kentucky Revised Statutes.

With Committee amendments thereto.

S. B. No. 62. AN ACT to amend subsection (2) of KRS 140.030, relating to inheritance taxes.

H. B. No. 268. AN ACT relating to Planning and Zoning Commissions in cities of the first class and counties containing such cities, amending Section 100.037 of Kentucky Revised Statutes.

H. B. No. 259. AN ACT amending and re-enacting KRS 100.096 relating to zoning and planning in cities of the first class and counties containing such cities.

H. B. No. 280. AN ACT relating to revenue and taxation.

H. B. No. 195. AN ACT relating to acknowledgments of legal instruments.

H. B. No. 227. AN ACT to amend KRS Sections 58.010, 58.020, 58.040 and 58.130 and relating to public projects and governmental agencies and their definitions and to their acquisition by, and to public project revenue bonds issuable by, governmental units, agencies and instrumentalities.

H. B. No. 182. AN ACT relating to parental and marital duties and obligations, with particular relation to desertion, abandonment or failure to provide maintenance or support for a child or wife, and the custody of children; amending KRS 435.240.

H. B. No. 252. AN ACT to repeal Kentucky Revised Statutes Section 186.445 now bearing a title reading "License for child to operate motor vehicle of not more than five horse power."

H. B. No. 286. AN ACT relating to the defining of theaters for licensing purposes and the licensing of same.

H. Res. No. 39. A JOINT RESOLUTION providing for the purchase and distribution of copies of the Kentucky Directory, 1950 Edition.

H. B. No. 279. AN ACT relating to revenue and taxation.

H. B. No. 281. AN ACT relating to income taxation.

H. B. No. 224. AN ACT relating to the power of arrest of a peace officer.

H. B. No. 289. AN ACT relating to advertisement for bids for the printing contracts for the first four classes.

H. B. No. 285. AN ACT relating to revenue and taxation.

H. B. No. 223. AN ACT providing signals to be used by the operators of vehicles in indicating intention to stop or turn.

H. B. No. 294. AN ACT amending Section 44.050 of Kentucky Revised Statutes, relating to the purchase and use of motor passenger vehicles out of state funds.

H. B. No. 151. AN ACT relating to fees allowed for the taking of depositions and the performing of other services, amending section 64.290 of the Kentucky Revised Statutes.

H. B. No. 284. AN ACT relating to revenue and taxation.

By Mr. Polsgrove of the Committee on Courts.

H. B. No. 46. AN ACT relating to judicial districts.

H. B. No. 181. AN ACT providing for the purchase of liability and indemnity insurance for pupils attending the common schools and authorizing school boards to purchase same.

H. B. No. 144. AN ACT relating to the distribution of the House and Senate Journals, amending Section 57.310 of the Kentucky Revised Statutes.

H. B. No. 300. AN ACT relating to school teachers; amending Section 161.790 of the Kentucky Revised Statutes.

H. B. No. 301. AN ACT relating to school teachers; amending Section 161.760 of the Kentucky Revised Statutes.

H. B. No. 298. AN ACT relating to public ways in cities of the second class having the commission form of government.

H. B. No. 175. AN ACT relating to compensation of reporters for circuit courts of continuous session in counties having a population of less than 150,000, and in circuit courts not of continuous session in counties containing a city of the second class, amending Section 28.450 of the Kentucky Revised Statutes.

H. B. No. 214. AN ACT relating to Civil Service employes in cities of the second and third classes, amending subsection (6) of Section 90.350 of the Kentucky Revised Statutes and providing for the manner of filling vacancies, and making promotions in the classified positions under City Civil Service.

H. B. No. 75. AN ACT relating to Judicial Districts; creating an additional district and making changes in the apportionment of counties to the Twenty-Eighth and Twenty-Ninth Judicial Districts in order to comply with the meaning and intent of the Constitution with respect to the division of the State into Judicial Districts.

H. B. No. 116. AN ACT relating to insurance.

With Committee amendments thereto.

Ordered that said bills and said resolutions be read at length the second time.

Mr. Hubbard moved that the Constitutional provision as to the second reading at length of said bills and said resolutions be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and said resolutions having been dispensed with, said bills and said resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

Mr. Love arose and spoke to a point of personal privilege.

Mr. Weintraub moved that the Speaker be authorized and directed to appoint a committee of three members of the House to investigate the discrepancies between the Legislative Digest and the records in the Chief Clerk's office.

The Speaker moved the motion as made by Mr. Weintraub out of order.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 131. AN ACT relating to bonds of state officers and employees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 62.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any department head, officer, board or commission required by KRS 62.170 to take a bond from particular officers, employees, deputies, or appointees may secure a position bond, blanket bond, or bond of a similar type, providing coverage under one contract, for one premium, for all officers, employees or positions, or classes or groups of officers, employees or positions, in the department, office or agency headed by such department head, officer, board or commission, excepting only such officers, employees or positions, or classes thereof, for which such blanket coverage cannot be secured. In the event such a

bond is secured, the individual bonds required by KRS 62.170 shall not be required as to any officer, employee, deputy, appointee or position within the coverage of the blanket or position bond.

(2) Where the Commissioner of Finance deems it to be for the best interest of the state, he may require a department head, officer, board or commission to secure a bond of the nature contemplated by subsection (1) of this section.

(3) The bonds provided for by this section shall be covenants to the Commonwealth of Kentucky that the officers, employees or holders of positions covered by the bond will faithfully account for and pay over all money and property that may come into their possession by virtue of their office, employment or position. If field agents and accountants of the Department of Revenue are included in a blanket or position bond, the bond should be conditioned upon the faithful performance of all duties imposed upon them by the Commissioner of Revenue, or by law, and the faithful accounting for and paying over all money and property that may come into their possession by virtue of their office, employment or position.

(4) The penal amounts of the bonds taken under this section shall be fixed by the Commissioner of Finance in accordance with the duties and responsibilities indicated by the personnel classification schedules of the Division of Personnel Efficiency, and in accordance with the amounts of money and property handled by the respective officers and employees.

Section 2. Section 62.200 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each bond mentioned in KRS 62.160 to 62.190 shall be executed by a corporate surety authorized to do a surety business in Kentucky. No bond shall be accepted until it has been approved by the Attorney-General as to form and legality, except the bond of the Attorney-General which shall be accepted when approved in such respects by the Governor.

(2) All bonds given pursuant to KRS 62.160 to 62.190, except the bond of the Secretary of State, shall be filed in the

office of the Secretary of State. The bond of the Secretary of State shall be filed in the office of the Governor.

Mr. Lowman offered the following amendment to said bill, viz:

Amend printed copy of House Bill No. 131, on page 2, Section 1, lines 26 through 32.

That portion of line 26 after the word "position." and lines 27 through 32 inclusive, and inserting in lieu thereof the following:

"Field agents and accountants of the Department of Revenue may be included in a blanket or position bond."

Said amendment to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Thereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Charles J. Bronston	G. I. Drury
Edgar Arnett	J. D. Buckman, Jr.	Thomas R. Duncan
Sidney Baer	Mrs. M. E. Burnett	Mitchell S. Fannin
Clarence J. Barnum	Charles W. Burnley	Henry C. Hale
C. E. Baumgardner	Stanley Carter	Chester A. Hammons
Fred Beshear	Paul Combs	James P. Hanratty
R. O. Blevins	R. Josh Cosby	George F. Harris
L. E. Bradley	Owen Deering	Paul E. Hayes

John A. Head	Jack McPherron	Forest Smith
William K. Henry	Archie R. Moore	Joseph T. Snapp
E. R. Hilton	Walter R. Moorman	John M. Spaulding
Ray Holbrook	Fred H. Morgan	J. Claude Stacy
Woodrow W. Hollan	C. S. Nabb	Roy Steers
Chester J. Holsclaw	Dr. C. E. Palmore	Raymond D. Stigall
W. M. Horn	James H. Polsgrove	Mrs. Thelma Stovall
Robert N. Hubbard	Leonard W. Preston	W. R. Stringer
Silas Jacobs	W. R. Reasor	Egbert V. Taylor
Paul S. Jonas	Carl J. Ruh	M. G. Thompson
Barkley Jones	Amos Runyan	Rev. T. Herbert Tinsley
William Jones	Dr. Roy Sanders	
Jesse H. Lawrence	LeRoy Saylor	Ralph N. Walter
Harry K. Lowman	Roy Searcy	Fred M. Warns
True Mackey	Paul E. Shannon	G. F. Williamson
G. Lee McClain	Gus Sheehan, Jr.	Charles W. Wirsch

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Those who voted in the negative were—

Thomas L. Britton R. C. Estepp, Sr. —2

Resolved that the title thereof be as aforesaid.

Mr. Lowman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 270. AN ACT relating to revenue and taxation.

Mr. Snapp moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 237. AN ACT relating to medical examination or furnishing of records as a condition of employment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act;

(1) The term "employer" means and includes an individual, a partnership, an association, a corporation, a legal representative, trustee, receiver, trustee in bankruptcy, and any common carrier by rail, motor, water, air or express company doing business in or operating within the State.

(7) The term "employe" means and includes every person who may be permitted, required or directed by any employer, as defined in Section 2 in consideration of direct or indirect gain or profit, to engage in any employment.

Sec. 2. It shall be unlawful for any employer to require any employe or applicant for employment to pay the cost of a medical examination or the cost of furnishing any records required by the employer as a condition of employment.

Sec. 3. Any employer who violates the provisions of this Act shall be fined not more than $100.00 for each violation.

Mr. Hilton moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the negative.

Mr. Snapp and Dr. Sanders offered the following amendment to said bill, viz:

Amendment No. 1. Amend House Bill No. 237 by substituting a comma for the period at the end of Section 2 thereof and adding the following:

"except that this Act shall not apply to an applicant who is accepted for employment."

Mr. Weintraub offered the following amendment to Amendment No. 1 to said bill, viz:

Amend Amendment No. 1 to H. B. No. 237 by changing period at end to a comma and adding:

"Provided the employee has the right to choose his own doctor to give said physical examination."

Said amendment to Amendment No. 1 was agreed to.

Mr. Snapp moved that the House do now adopt said Amendment No. 1 to said bill as amended.

The yeas and nays being required thereon by Mrs. Stovall and Mr. Holbrook were as follows, viz:

Those who voted in the affirmative were—

R. Josh Cosby Joseph T. Snapp Raymond D. Stigall
Woodrow W. Hollan —4

Those who voted in the negative were—

Clarence J. Barnum	Durham W. Howard	Carl J. Ruh
C. E. Baumgardner	Maurice G. Howard	Amos Runyan
Fred Beshear	Silas Jacobs	Roy Searcy
R. O. Blevins	Paul S. Jonas	Paul E. Shannon
L. E. Bradley	Barkley Jones	Gus Sheehan, Jr.
Thomas L. Britton	James W. Lambert	Forest Smith
Charles W. Burnley	Homer E. Losey	John M. Spaulding
G. I. Drury	Harry K. Lowman	Roy Steers
R. C. Estepp, Sr.	True Mackey	Mrs. Thelma Stovall
Mitchell S. Fannin	John Martin	W. R. Stringer
Henry C. Hale	G. Lee McClain	M. G. Thompson
C. A. Hammons	Jack McPherron	Rev. T. Herbert
Paul E. Hayes	Archie R. Moore	Tinsley
John A. Head	Emmett G. Moore	Fred M. Warns
William K. Henry	Walter R. Moorman	Harry Lee Waterfield
E. R. Hilton	Fred H. Morgan	Morris Weintraub
Ray Holbrook	James H. Polsgrove	G. F. Williamson
Chester J. Holsclaw	Leonard W. Preston	Charles W. Wirsch
W. M. Horn		

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Thereupon said Amendment No. 1 to said bill was disagreed to.

Mrs. Stovall offered the following amendment to said bill, viz:

Amendment No. 2. Amend printed copy of H. B. No. 237 on page 1, section 2 (7), line 7 by inserting

"(2) in lieu of (7)

and also in line 9 of Section 2 following the words "defined in" and adding thereafter "Sub-section 1 of this section" and deleting therefrom following the words "defined in" the words "Section 2"

Said Amendment No. 2 to said bill was agreed to.

Ordered that said bill be engrossed and read at length the third time.

Mr. Hilton moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Charles W. Burnley	Paul E. Hayes
Clarence J. Barnum	Stanley Carter	John A. Head
C. E. Baumgardner	B. H. Crider	E. R. Hilton
Fred Beshear	Thomas R. Duncan	Ray Holbrook
R. O. Blevins	Mitchell S. Fannin	Chester J. Holsclaw
L. E. Bradley	Henry C. Hale	Maurice G. Howard
Charles J. Bronston	Chester A. Hammons	Paul S. Jonas

Barkley Jones	Leonard W. Preston	John M. Spalding
Homer E. Losey	Carl J. Ruh	Mrs. Thelma Stovall
Harry K. Lowman	Amos Runyan	W. R. Stringer
True Mackey	Dr. Roy Sanders	Rev. T. Herbert Tinsley
William T. Marshall	LeRoy Saylor	Fred M. Warns
Emmett G. Moore	Roy Searcy	Harry Lee Waterfield
Fred H. Morgan	Paul E. Shannon	Morris Weintraub
C. S. Nabb	Gus Sheehan, Jr.	Charles W. Wirsch
James H. Polsgrove	Forest Smith	

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Those who voted in the negative were—

Bernam Adams	W. M. Horn	Dr. C. E. Palmore
Edgar Arnett	Durham W. Howard	W. R. Reasor
Thomas L. Britton	Silas Jacobs	Joseph T. Snapp
J. D. Buckman, Jr.	James W. Lambert	J. Claude Stacy
R. Josh Cosby	Jesse H. Lawrence	Roy Steers
G. I. Drury	A. L. (Chick) Love	Raymond D. Stigall
R. C. Estepp, Sr.	John Martin	Egbert V. Taylor
George F. Harris	Jack McPherron	M. G. Thompson
Harold G. Helm	Archie R. Moore	Ralph N. Walter
William K. Henry	Walter R. Moorman	G. F. Williamson
Woodrow W. Hollan		

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Resolved that the title thereof be as aforesaid.

Mrs. Stovall moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Speaker announced that he had referred bills and resolutions heretofore introduced or reported as follows, viz:

H. B. No. 327—Committee on Courts.

H. B. No. 328—Committee on Kentucky Statutes No. 1.

H. B. No. 329—Committee on Ways and Means.

H. B. No. 330—Committee on Kentucky Statutes No. 2.

H. B. No. 331—Committee on Kentucky Statutes No. 2.

H. B. No. 332—Committee on Kentucky Statutes No. 1.

H. B. No. 333—Committee on Courts.

H. B. No. 334—Committee on Kentucky Statutes No. 1.

H. B. No. 335—Committee on Appropriations.

H. B. No. 336—Committee on Cities of Fifth Class.

H. B. No. 337—Committee on Cities of Fourth Class.

H. B. No. 338—Committee on Veterans' Legislation.

H. B. No. 339—Committee on Revenue and Taxation No. 1.

H. B. No. 340—Committee on Codes and Practice.

H. B. No. 341—Committee on Public Health.

H. B. No. 342—Committee on Labor.

H. B. No. 343—Committee on Appropriations.

H. B. No. 344—Committee on Kentucky Statutes No. 1.

H. B. No. 345—Committee on Appropriations.

H. B. No. 346—Committee on Appropriations.

H. B. No. 347—Committee on Cities of Fifth Class.

H. B. No. 348—Committee on Kentucky Statutes No. 1.

H. B. No. 349—Committee on Kentucky Statutes No. 2.

H. B. No. 350—Committee on Motor Transportation No. 1.

H. B. No. 351—Committee on Education No. 1.

H. B. No. 352—Committee on Cities of Fourth Class.

H. B. No. 353—Committee on Revenue and Taxation No. 1.

H. B. No. 354—Committee on Kentucky Statutes No. 2.

H. B. No. 355—Committee on Revenue and Taxation No. 1.

H. Res. No. 43—Committee on Claims.

S. B. No. 112—Committee on Ways and Means.

S. B. No. 133—Committee on Kentucky Statutes No. 1.

S. B. No. 134—Committee on Kentucky Statutes No. 1.

S. B. No. 28—Committee on Courts.

S. B. No. 47—Committee on Ways and Means.

S. B. No. 59—Committee on Banks and Banking.

S. B. No. 64—Committee on Ways and Means.

S. B. No. 89—Committee on Kentucky Statutes No. 1.

S. B. No. 99—Committee on Kentucky Statutes No. 2.

S. B. No. 104—Committee on Kentucky Statutes No. 1.

S. B. No. 111—Committee on Cities of First Class.

Mr. Hanratty moved that the House do now adjourn to meet again at 1 o'clock, p.m., Tuesday, February 21, 1950.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 21, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by the Reverend H. Glenn Stephens, pastor of the South Frankfort Presbyterian Church, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams	Fred Beshear	Stanley Carter
Bill Adams	R. O. Blevins	Paul Combs
Edgar Arnett	L. E. Bradley	R. Josh Cosby
Sidney Baer	Edward O. Bridgers	B. H. Crider
Walter J. Bailey	Thomas L. Britton	Owen Deering
Clarence J. Barnum	Charles J. Bronston	G. I. Drury
C. E. Baumgardner	J. D. Buckman, Jr.	Thomas R. Duncan
Leonard T. Bean	Mrs. M. E. Burnett	R. C. Estepp, Sr.
John D. Beatty	Charles W. Burnley	Mitchell S. Fannin

Henry C. Hale
C. A. Hammons
James P. Hanratty
George F. Harris
Paul E. Hayes
John A. Head
Harold G. Helm
William K. Henry
E. R. Hilton
Ray Holbrook
Woodrow W. Hollan
Chester J. Holsclaw
W. M. Horn
Richard R. Houpt
Durham W. Howard
Maurice G. Howard
Robert N. Hubbard
Silas Jacobs
Paul S. Jonas
Barkley Jones
William Jones
James W. Lambert
Mrs. J. T. Linton
Homer E. Losey
A. L. (Chick) Love
Harry K. Lowman
True Mackey
Damon Majors
John Martin
William T. Marshall
G. Lee McClain
Jack McPherron
Archie R. Moore
Emmett G. Moore
Walter R. Moorman
Fred H. Morgan
C. S. Nabb
Dr. C. E. Palmore
James H. Polsgrove
Leonard W. Preston
Hobart Rayburn
W. R. Reasor
Carl J. Ruh
Amos Runyan
Dr. Roy Sanders
LeRoy Saylor
Roy Searcy
Paul E. Shannon
James S. Shaw
Gus Sheehan, Jr.
Jesse H. Shelton
Forest Smith
Joseph T. Snapp
John M. Spaulding
J. Claude Stacy
Roy Steers
Raymond D. Stigall
Mrs. Thelma Stovall
W. R. Stringer
Egbert V. Taylor
M. G. Thompson
Rev. T. H. Tinsley
Ralph N. Walter
Fred M. Warns
Harry Lee Waterfield
Lyle H. Webb
Morris Weintraub
G. F. Williamson
Charles W. Wirsch
Adron Doran,
Speaker

Mr. Baer moved that leaves of absence be granted to Messrs. Calvert, Lawrence and Mitchell.

Said motion was agreed to.

Mr. Harris moved that the reading of the Journal of the proceedings of Monday, February 20, 1950, be dispensed with, and the same be approved.

Said motion was agreed to.

The Enrolling Clerk of this House delivered the original and enrolled copies of bills of the following titles, viz:

H. B. No. 39. AN ACT relating to the collection and publication of dairy statistics.

H. B. No. 40. AN ACT relating to the duties of the State Board of Agriculture.

Which were signed by the Speaker of the House on February 17,

Duly signed by the President of the Senate,

Into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged the duty imposed upon him.

Mr. Preston arose and spoke to a point of personal privilege, regarding H. B. No. 200 which was passed by the House on February 17.

Mr. Houpt arose and spoke to a point of personal privilege regarding the needs of the teachers of the Commonwealth of Kentucky.

Mr. Walter moved that a bill of the following title, viz:

H. B. No. 251. AN ACT relating to the pari-mutuel tax, amending Section 138.510 of the Kentucky Revised Statutes and making an appropriation.

Be taken from the hands of the Committee on Revenue and Taxation No. 1 and advanced to a reading.

Mr. William Jones raised the point of order that said bill had previously been considered by the House and could not again be considered.

The Speaker ruled the point of order as raised by Mr. William Jones not well taken, for the reason that said bill was in the hands of the Committee on Revenue and Taxation No. 1.

Mr. William Jones moved that the rules be suspended for the purpose of making a Report of Committee.

The Speaker ruled the motion as made by Mr. William Jones out of order as there was a motion before the House which had not been acted upon.

The yeas and nays being required on the motion as made by Mr. Hammons and Mr. Losey were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Harold G. Helm	Hobart Rayburn
Edgar Arnett	E. R. Hilton	Amos Runyan
John D. Beatty	Durham W. Howard	Dr. Roy Sanders
Fred Beshear	Maurice G. Howard	LeRoy Saylor
R. O. Blevins	Barkley Jones	Forest Smith
L. E. Bradley	James W. Lambert	John M. Spaulding
Thomas L. Britton	Harry K. Lowman	Roy Steers
Stanley Carter	Damon Majors	W. R. Stringer
Owen Deering	Jack McPherron	Egbert V. Taylor
R. C. Estepp, Sr.	Archie R. Moore	Ralph N. Walter
Henry C. Hale	Emmett G. Moore	Harry Lee Waterfield
C. A. Hammons	Fred H. Morgan	Lyle H. Webb
George F. Harris	Dr. C. E. Palmore	Morris Weintraub
Paul E. Hayes	Leonard W. Preston	Charles W. Wirsch
John A. Head		—43

Those who voted in the negative were—

Sidney Baer	Woodrow W. Hollan	Walter R. Moorman
Walter J. Bailey	Chester J. Holsclaw	C. S. Nabb
Clarence J. Barnum	W. M. Horn	James H. Polsgrove
C. E. Baumgardner	Richard R. Houpt	W. R. Reasor
Leonard T. Bean	Robert N. Hubbard	Roy Searcy
Edward O. Bridgers	Silas Jacobs	James S. Shaw
Charles J. Bronston	Paul S. Jonas	Jesse H. Shelton
J. D. Buckman, Jr.	William Jones	Joseph T. Snapp
Mrs. M. E. Burnett	Homer E. Losey	J. Claude Stacy
R. Josh Cosby	A. L. (Chick) Love	Raymond D. Stigall
G. I. Drury	True Mackey	Mrs. Thelma Stovall
Thomas R. Duncan	John Martin	Fred M. Warns
James P. Hanratty	G. Lee McClain	G. F. Williamson
Ray Holbrook		—40

Thereupon said motion was disagreed to, lacking the vote of a majority of the members elected.

Mrs. Burnett moved that the rules be suspended and the privilege of the floor extended to Miss Victoria Yates.

Said motion was unanimously agreed to.

Mr. Beshear moved that the rules be suspended and the privilege of the floor extended to Mr. C. R. Harrabson and Mr. Louis Good.

Said motion was unanimously agreed to.

Mr. Preston moved that the rules be suspended and the privilege of the floor extended to Hon. Terry L. Hatchett.

Said motion was unanimously agreed to.

Mr. Hayes moved that the rules be suspended and the privilege of the floor extended to Mrs. Ruth Short, Flatwoods, Kentucky, Rev. and Mrs. William Crumbaker, Flatwoods, Kentucky, Mrs. E. L. Cyrus, Flatwoods, Kentucky and Mr. Calvin Short, Flatwoods, Kentucky.

Said motion was unanimously agreed to.

Mr. Henry moved that the rules be suspended and the privilege of the floor extended to Mr. Mufflin F. Murray.

Said motion was unanimously agreed to.

Mr. Beatty offered the following resolution, viz:

H. Res. No. 47. A RESOLUTION expressing sympathy and wishes for speedy recovery to Representative Alton Mitchell.

WHEREAS, our esteemed fellow member from the Twenty-third District is now confined in Nichols General Hospital in Louisville following an emergency operation; and

WHEREAS, the members of the House of Representatives are unanimous in the hope that his absence from the legislative session so caused will be of short duration, and that he soon

will return and continue to render the valued counsel and exercise the considered judgment in legislative matters for which he is known;

NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE COMMONWEALTH OF KENTUCKY:

That the members of the House of Representatives hereby extend and convey to their fellow member, Alton Mitchell, their deepest sympathy in his present illness and their sincere best wishes for his speedy recovery.

That the Clerk of the House of Representatives be and he hereby is directed to forward a copy of this Resolution forthwith to Representative Mitchell.

Said resolution was adopted.

Mr. Ruh moved that the rules be suspended for the purpose of making a motion.

Said motion was disagreed to.

Bills of the following titles were introduced, viz:

By Mr. Baer.

H. B. No. 365. AN ACT relating to the examination of persons who are, or are alleged to be, insane or feebleminded.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 202.100 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) When the petition mentioned in KRS 202.040 has been properly filed with the clerk of the court, the court shall

appoint two physicians to examine the defendant and to certify to the court as to their findings in the case, provided that if the petition mentioned in KRS 202.040, is for the inquest of one alleged to be feeble-minded, the court shall appoint two physicians or one physician and one certified clinical psychologist licensed under the provisions of KRS Chapter 319 to examine the defendant and to certify to the court as to their findings in the case.

(2) Where possible, the physicians or physician selected shall have made a special study of feeble-mindedness and mental diseases. The examiners, either physicians or physician and certified clinical psychologist, shall be enttiled to a fee of three dollars each for such examination and certification, to be paid by the county in which the commitment is made, upon a certified copy of an order of allowance made by the court holding the inquest.

Sec. 2. Section 203.040 of the Kentucky Revised Statutes is amended to read as follows:

(1) Legal residents of the state who have become public charges in other states and have been returned to Kentucky because they have been adjudged insane or feebleminded by the state returning them, may be immediately admitted to a state institution at the request of any health officer. If no health officer is available for the purpose, the superintendent of the Kentucky institution may receive such patient directly from the out-of-state official who has him in custody.

(2) Immediately upon admission the superintendent shall notify the circuit court, or the county court if the circuit court is not in session, accompanying the notice with a petition for an inquest, but holding the patient in custody until the inquest is ordered by the court; however, if the admission be to a mental hospital, the court instead of appointing physicians to make the examination as provided in KRS 202.100 and 202.110 shall admit as evidence the affidavit of the superintendent and clinical director, or a staff physician acting in the latter capacity, of the institution in which the patient has been confined, that the de-

fendant is insane (psychotic); if the admission be to an institution for the care of the feebleminded, the court instead of appointing physicians to make the examination as provided in KRS 202.100 and 202.110 shall admit as evidence the affidavit of the superintendent, if he be a physician or a licensed clinical psychologist, and the clinical director if there be one and if not, a staff physician or staff licensed certified psychologist, of the institution in which the patient has been confined, that the defendant is feeble-minded.

(3) No superintendent may receive such a patient from another state until he has been notified by the Director of the Division of Hospitals and Mental Hygiene that the person's legal residence has been investigated and verified by the county judge of the county in which residence is claimed.

H. B. No. 366. AN ACT relating to petty cash funds of State Budget Units.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 45.280 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any budget unit may, when provided for by appropriation or when authorized by the Department of Finance, establish a petty cash fund of not more than fifteen thousand dollars for the purpose of making disbursements requiring prompt cash outlay, and to carry out the provisions of KRS 42.060 (2) applying to the delegation of authority to purchase. The State Treasurer, upon warrants of the Department of Finance based upon a requisition from the head of the budget unit, shall pay to the head of such budget unit the amount necessary to establish such a fund. The custodian designated by the head of the budget unit shall, as often as may be necessary to replenish the fund and at least once each month, file with the Department of Finance a schedule of the disbursements from the fund, accompanied by appropriate vouchers and statements of indebted-

ness therefor approved by the head of the budget unit, and by a certificate as to the condition of the fund. The amount of the total of the approved vouchers shall be paid to the custodian of the fund on the warrant of the Department of Finance, and the amount shall be devoted to reimbursement of the fund. Any question relative to the amount to be allowed in any petty cash fund, the expenditure thereof, the accounting therefor, and the repayment thereof to the State Treasurer, shall be determined by the Department of Finance. Each petty cash fund shall lapse with the appropriation on which it is based, but may be reestablished by appropriation for the next ensuing fiscal year or when authorized by the Department of Finance.

(2) Where work is done on public projects by the state through the use of its own personnel or facilities in whole or in part, which work is not subject to the provisions of KRS 42.070, the Budget unit having such work performed may, when authorized by the Department of Finance, establish a petty cash fund for the purpose of defraying the expenses of the proposed project, which fund shall not exceed at any time an amount equal to twenty-five (25%) percent of the anticipated total cost of the project.

By Mr. Hayes.

H. B. No. 367. AN ACT relating to powers of attorney, repealing, amending and re-enacting Section 382.370, Kentucky Revised Statutes, and fixing a penalty for the violation thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That Section 382.370, Kentucky Revised Statutes, be, and the same is hereby repealed, amended and re-enacted so as to read:

"382.370 (1) No power of attorney to convey or release real estate or personal property, or to create or release an obligation shall be valid until it is signed, acknowledged and re-

corded in the County Court Clerk's office in each county where the authority granted is to be, or is exercised or become effective and such power so granted and recorded shall not be deemed to be revoked by any act of the party by whom is was executed except from the time when written revocation thereof is signed, acknowledged and lodged for record and the recording fees paid by the party who promulgated the power of attorney in each County Clerk's office in Kentucky where said power was recorded.

(2) Any person exercising or attempting to exercise in any county, any authority under a power of attorney, when that power of attorney has not been previously lodged for record in the office of the County Clerk of that county, or any county where such authority is to become effective and the recording fee paid, or who exercises or attempts to exercise the authority granted therein in that or any county after that authority has been revoked of record as heretofore provided, shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than one hundred dollars by the court or jury trying him.

(3) All acts or parts of acts in conflict with this act are hereby repealed to the extent of the conflict.

By Mr. Buckman.

H. B. No. 368. AN ACT relating to city streets, viaducts and bridges, that constitute the route of connection between or extension of state roads in the state highway system.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 177.043 is amended to read as follows:

On and after July 1, 1942, the Department of Highways may maintain and repair, construct and reconstruct under its control and supervision such city streets so designated by the Commissioner of Highways, and may make appropriations and expendi-

tures out of its fund for such purposes. The department may enter into any and all contracts inclusive of agreements with cities and with any Federal agencies authorized so to do for such purpose.

Section 2. KRS 177.046 is amended to read as follows:

(1) Nothing in KRS 177.041 to KRS 177.047 shall require the Department of Highways to sweep, sprinkle, light, or police city streets designated for state maintenance, but the Commissioner of Highways may by official order assume the responsibility for regulating traffic on such streets. When such responsibility has been assumed, the Commissioner may restrict or regulate traffic in any manner reasonably calculated to promote the safety and convenience of the traveling public, and to protect and preserve the streets. Such regulations may include, but are not exclusive of, the establishment of traffic lanes, the installation of electric signals and other signs and markers, the limitation or prohibition of parking, and the regulation or prohibition of a size or weight deemed likely to impede traffic or injure the streets.

(2) Nothing herein shall be construed to prevent the Commissioner of Highways from contracting with the city authorities for the joint installation of signs, markers, and electric signals, and for the maintenance of electric signals at the cost of the city.

(3) Any person who violates any of the regulations established under the authority of this section shall be guilty of a misdemeanor, and upon arrest and conviction therefor, shall be punished by a fine of not less than $5.00 nor more than $100.00.

By Mr. Tinsley.

H. B. No. 369. AN ACT amending Section 149.300 of the Kentucky Revised Statutes, relating to setting of fires near woodland areas.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 149.300 of the Kentucky Revised Statutes is amended to read as follows:

During the months of March, April, May, October, November and December, even though the precautions required by KRS 149.290 shall have been taken, it shall be unlawful for any person to set fire to, or to procure another to set fire to, any brush, leaves, grass, debris, or field containing dry grass or other inflammable material capable of spreading fire, located in or within three hundred feet of any woodland or brushland, except between the hours of 4:30 p.m. and twelve o'clock midnight, or when the ground is covered with snow.

H. B. No. 370. AN ACT relating to revenue and taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. An outgoing sheriff, as soon as his successor has been qualified and inducted into office and his official bond approved, shall immediately vacate his office, deliver to his successor all books, papers, records and other property held by virtue of his office, and make a complete settlement of his accounts as sheriff. All unpaid tax bills in the possession of the sheriff upon the date of expiration of his term shall be turned over to the incoming sheriff, who shall collect and account for them as provided by law. The compensation for collecting these unpaid tax bills shall be the same as is allowed the sheriff for collecting other tax bills, provided that in the year 1950 outgoing sheriffs who have elected to act as special tax collectors shall make their settlements in the same manner as sheriffs.

Section 2. Section 134.210 of the Kentucky Revised Statutes is repealed.

H. B. No. 371. AN ACT relating to timberland assessments.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Subsection (2) of Section 149.152 of the Kentucky Revised Statutes is amended to read as follows:

(2) It shall be the duty of each owner of timberland situated in the county to list or have listed such property with the county tax commissioner between January 1 and March 1 of each year, beginning in the year 1951.

Sec. 2. Section 149.155 of the Kentucky Revised Statutes is amended to read as follows:

(1) The sheriff shall collect the assessment at the same time and in the same manner in which he collects the state and county ad valorem tax. He shall issue a receipt to the taxpayer, report to the county court, and make his annual and final settlements with the fiscal court at the same time and in the same manner provided by law for his report and settlement of the annual county ad valorem tax.

(2) The assessment shall become due and payable on September 15 following the date the timberland acreage was required to be listed with the county tax commissioner, except that assessments based on listings required to be made in the year 1949 shall become due on September 15, 1950. All assessments shall become delinquent on January 1 following their due date, except that assessments which are due and payable in the year 1949 shall not become delinquent until March 1, 1950.

(3) Any assessments which are not paid by the date when they become delinquent shall be subject to a penalty of six percent on the assessment due and unpaid, except that assessments which become delinquent on January 1 shall be subject to a penalty of only two percent on the assessment due and unpaid,

if paid on or before the last day of January. The sheriff shall collect the penalty and account for it in the same manner as he is required to collect and account for the annual county ad valorem tax.

By Mr. Williamson.

H. B. No. 372. AN ACT relating to the jurisdiction of officers of the Department of Kentucky State Police.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 16.120 of the Kentucky Revised Statutes is hereby amended to read as follows:

Neither the commissioner nor any officer of the department shall exercise the powers conferred by K.R.S. 16.010 to 16.180 within the limits of any incorporated city of the first to the fifth class, inclusive, except (a) when in hot pursuit of an offender or supposed offender, or (b) when in search of an offender or supposed offender wanted for a crime committed outside of the corporate limits of a city, or (c) when interviewing or seeking to interview a witness to any such crime, or (d) when requested to act by the chief executive officer of the city or its chief police officer, or (e) when on the grounds of any real property owned or leased by the Commonwealth or department or agency thereof, or (f) when on any street maintained by the Department of Highways, or (g) when ordered by the Governor, in case of emergency, to act within any specified city or cities. Provided, however, the chief executive officer of any city may request that any officer or officers of the department be given full police authority within such city for a term of months or years or until revoked, and when such request has been approved by the commissioner, all officers of the department shall have authority to exercise the powers herein conferred within such city during the term specified, or until such authority is revoked by the chief executive officer of said city.

H. B. No. 373. AN ACT relating to impersonation of an officer, agent or employe of the Department of Kentucky State Police and providing a penalty therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No person shall falsely represent himself to be an officer, agent or employee of the Department of Kentucky State Police and in such assumed character, arrest or detain or search in any manner the person or property of anyone, nor shall any person without the authority of the Department wear its official uniform or insignia or any uniform or insignia likely to be confused with the official uniform or insignia of the Department.

Section 2. Any person who violates the provisions of Section 1 of this Act shall be fined not less than one hundred nor more than five hundred dollars or imprisoned for not more than thirty days or both.

H. B. No. 374. AN ACT regulating vehicles when overtaking or meeting a stopped school bus.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 189.370 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Whenever any school bus is stopped upon a highway for the purpose of receiving or discharging passengers, the operator of a vehicle approaching from any direction shall bring his vehicle to a complete stop and shall not start up or attempt to pass until the school bus has finished receiving or discharging passengers and has been put into motion.

(2) Subsection (1) shall be applicable only in the event the school bus bears on the front and rear a plainly visible sign containing the words "SCHOOL BUS" in letters not less than six inches in height, which can be removed or covered when the vehicle is not in use as a school bus.

Section 2. Section 189.990 (1) of the Kentucky Revised Statutes is hereby amended to read as folows:

(1) Any person who violates any of the provisions of K.R.S. 189.020 to 189.040, subsections (1), (2) and (5) of K.R.S. 189.050, K.R.S. 189.060 to 189.080, subsections (1) to (3) of K.R.S. 189.090, K.R.S. 189.100, 189.110, 189.130 to 189,160, subsections (2) to (4) of K.R.S. 189.190, K.R.S. 189.200, 189.290, 189.300 to 189.360, K.R.S. 189.380, subsections (1), (2) and (4) of K.R.S. 189.390, K.R.S, 189.400 to 189.430, 189.450 to 189.480, subsection (1) of K.R.S. 189.520, K.R.S. 189.540, subsection (1) of K.R.S. 189.560, or K.R.S. 189.570 to 189.630, except subsection (1) of K.R.S. 189.580, shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any person who violates subsection (1) of K.R.S. 189.580 shall be fined not less than ten dollars nor more than two thousand dollars, or imprisoned in the county jail for not more than one year, or both.

By Messrs. Tinsley and Barkley Jones.

H. B. No. 375. AN ACT relating to the speed of vehicles and providing penalties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 189.390 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) No operator of a vehicle upon a highway shall drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway.

(2) Where no condition exists that requires lower speed for compliance with Subsection (1) of this Section, the speed of

any vehicle not in excess of the limits specified in this Section or established as hereinafter authorized shall be lawful, but any speed in excess of the limits specified in this Section or established as hereinafter authorized shall be unlawful.

(a) For all vehicles other than motor trucks, semi-trailer trucks, or motor vehicles of five horsepower or less, thirty-five miles per hour in any business or residential district, sixty miles per hour in other locations during the daytime and fifty miles per hour in other locations during the nighttime;

(b) For motor trucks and semi-trailer trucks, thirty-five miles per hour in any business or residential district, fifty miles per hour in other locations during the daytime, and forty miles per hour in other locations during the nighttime;

(c) For motor vehicles of five horsepower or less, thirty-five miles per hour in any location.

(3) Whenever the Commissioner of Highways shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or upon any part of a State highway within or without the corporate limits of a municipality, said Commissioner of Highways may determine and establish by official order a reasonable and safe speed limit at such location which shall be effective at all times or during hours of daytime or nighttime, or at such other times as may be determined when appropriate signs giving notice thereof are erected at such intersection or part of the State highway. In no event, however, shall said Commissioner increase any speed limit established by Subsection (2) of this Section by more than ten miles per hour, nor shall such ten mile per hour increase permit a speed limit in any instance in excess of sixty miles per hour.

(4) (a) Whenever municipal authorities determine upon the basis of an engineering and traffic investigation that the speed permitted under Subsection (2) of this Section is greater or less than is reasonable or safe under the conditions found to exist at any location within the municipality, such municipal authority, subject to paragraph (b) of this Subsection, shall determine and authorize by ordinance a reasonable and safe

speed limit at such location, which shall be effective at all times or during hours of daytime or nighttime, or at such other times as may be determined when appropriate signs giving notice thereof are erected at such location. In no event, however, shall said municipal authority increase any speed limit established by Subsection (2) of this Section by more than ten miles per hour, nor shall such ten miles per hour increase permit a speed limit in any instance in excess of sixty miles per hour.

(b) Alteration of speed limits on State highways within a municipality by municipal authorities shall not be effective until such alteration has been approved by the Commissioner of Highways. In no event shall said Commissioner approve any alteration which would increase any speed limit established by Subsection (2) of this Section by more than ten miles per hour, nor shall such ten mile per hour increase permit a speed limit in any instance in excess of sixty miles per hour.

(5) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

(6) The speed limitations set forth in this Section shall not apply to an authorized emergency vehicle when responding to an emergency call, or when responding to but not upon returning from a fire alarm, and the driver thereof sounds audible signal by bell, siren, or exhaust whistle, and when such emergency vehicle is equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

(7) In every charge for a violation of any speed limit specified in this Section or established as herein authorized, the warrant or citation shall specify the speed at which the defendant is alleged to have driven, also the lawful speed limit applicable at the location where the violation is charged to have occurred.

(8) As used in this Section, the following words and phrases shall have the meanings respectively ascribed to them:

(a) Business District – The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes which occupy 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

(b) Residential District – The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

(c) State Highway – A highway or street maintained by the Department of Highways.

(d) Nighttime – The period from one-half hour after sunset until one-half hour before sunrise, and at such other periods as atmospheric conditions render visibility as low as or lower than is ordinarily the case during that period; daytime means at any other period.

Section 2. Subsection (1) of Section 189.990 is hereby amended to read as follows:

(1) Any person who violates any of the provisions of KRS 189.020 to 189.040, subsections (1), (2) and (5) of KRS 189.050, KRS 189.060 to 189.080, subsections (1) to (3) of KRS 189.090, KRS 189.100, 189.110, 189.130 to 189.160, subsections (2) to (4) of KRS 189.190, KRS 189.200, 189.290, 189.300 to 189.360, subsection (2) of KRS 189.370, KRS 189.380, KRS 189.390, KRS 189.400 to 189.430, 189.450 to 189.480, KRS subsection (1) of KRS 189.520, KRS 189.540, subsection (1) of KRS 189.560, or KRS 189.570 to 189.630, except subsection (1) of KRS 189.580, shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any person who violates subsection (1) of KRS 189.580 shall be fined not less than ten dollars nor more than two thousand dollars, or imprisoned in the county jail for not more than one year, or both.

Section 3. Subsection (2) of Section 189.990 is hereby amended to read as follows:

(2) Any person who operates a vehicle and any owner who knows or consents to the operation of his vehicle in violation of any of the provisions of subsections (3) and (4) of KRS 189.050, subsection (4) of KRS 189.090, KRS 189.180, 189.220 to 189.250, 189.270, 189.280 or KRS 189.490 shall be fined not less than fifteen nor more than two thousand dollars.

By Mr. Lowman.

H. B. No. 376. AN ACT amending Section 104.170 of the Kentucky Revised Statutes, relating to condemnation of property for flood control.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 104.170 of the Kentucky Revised Statutes is amended to read as follows:

Whenever in the opinion of the governing body of any city, county, flood control, drainage, levee, reclamation or soil conservation district any land or other property or right of way or easement over or through any property, is needed by the city, county, flood control, drainage, levee, reclamation or soil conservation district to perform work or construct structures or improvements for flood control, flood protection or drainage purposes, or to permit others, including the United States of America or any governmental department, branch or agency thereof, to perform work or construct structures or improvements for flood control, flood protection or drainage purposes, either within or beyond the boundaries of the city, county, flood control, drainage, levee, reclamation or soil conservation district, the governing body may, by resolution reciting the need, order the condemnation of the land or other property, or right of way or easement, needed for such purpose or project, and may proceed to condemn and acquire title to any such land or other property, or right of way or easement, as provided by and pursuant to the provisions of KRS 94.680 to 94.720, and as further provided by and pursuant to the provisions hereinafter set out:

(1) The judge of the circuit court shall, upon the filing of a petition by the city, county, flood control, drainage, levee, reclamation or soil conservation district, seeking condemnation of any of such land or other property, or right of way or easement for such purpose or project, grant and award immediate possession and full and complete use and control of said land or other property, or right of way or easement to the city, county, flood control, drainage, levee, reclamation or soil conservation district by an interlocutory judgment which shall be rendered immediately after the filing of the report by the commissioners duly appointed pursuant to the provisions of KRS 94.690, and the city, county, flood control, drainage, levee, reclamation or soil conservation district shall thereupon be entitled to take possession thereof and to use and control the same for the purpose for which it is being condemned as fully as if the title had been conveyed to it; however, prior to the rendering of the interlocutory judgment, the city, county, flood control, drainage, levee, reclamation or soil conservation district shall be required to pay into court the sum awarded by the commissioners in their report for such land or other property, or right of way or easement. The court shall, after having rendered said interlocutory judgment, upon motion by the city, county, flood control, drainage, levee, reclamation or soil conservation district, make such orders as may be necessary and proper for the conveyance of title to such land or other property or property rights to the city, county, flood control, drainage, levee, reclamation or soil conservation district, by a deed of conveyance therefor, to be executed by the regular court commissioner or a special commissioner appointed by the court for this purpose, which deed shall be executed as nearly as practicable in accordance with the rules governing the conveyance of property by commissioners when sold under order of court.

(2) The Commissioners appointed pursuant to KRS 94.690 may report at any time after summons has been duly issued or warning order attorney appointed. Thereafter, either party may, before answer day, file written exceptions to said report, as provided in KRS 94.700, except that the city's, county's, flood control, drainage, levee, reclamation or soil conservation district's exceptions, if any, shall be made and filed prior to the

entry of said interlocutory judgment. The sum not in controversy shall be paid or tendered to the parties defendant by the court prior to the entry of said interlocutory judgment.

(3) It is further provided that before rendering the interlocutory judgment, the court shall require the city, county, flood control, drainage, levee, reclamation or soil conservation district to execute a bond, with surety to be approved by the court, conditioned upon the city, county, flood control, drainage, levee, reclamation or soil conservation district paying to the parties defendant the difference between the sum paid into court and that which may thereafter be finally determined to be the value of the property or property rights and incidental damages, if any, if the parties defendant except to the report of the commissioners, unless the city, county, flood control, drainage, levee, reclamation or soil conservation district shall have sufficient funds duly appropriated, properly allocated to that purpose, and on deposit to pay any money judgments, including all costs adjudged against the city, county, flood control, drainage, levee, reclamation or soil conservation district, that may thereafter be rendered against it, and such fact or facts shall be alleged in its petition for condemnation.

(4) The city, county, flood control, drainage, levee, reclamation or soil conservation district shall not be permitted to abandon the condemnation proceeding after having obtained possession and title to said land or other property or property rights unless none of the parties defendant will be materially prejudiced thereby.

(5) The proceedings for condemnation under the provisions of this section shall be conducted in the name of the city, county, flood control, drainage, levee, reclamation or soil conservation district by its regular attorney or by special counsel employed and designated by it to conduct such condemnation proceedings for such purpose, which power to employ and designate special counsel for such purpose is granted the city, county, flood control, drainage, levee, reclamation or soil conservation district notwithstanding the provisions of subsection (2) of KRS 94.680, requiring condemnation proceedings by second-class cities to be conducted in the name of the city solicitor.

By Mr. Holsclaw.

H. B. No. 377. AN ACT concerning the imposition, collection, disposition of license taxes; restriction on ad valorem taxation; and the issuance and enforcement of licenses in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 91.200 of the Kentucky Revised Statutes concerning the imposition, collection, disposition of license fees; restriction on ad valorem tax for Sinking Fund; and issuance and enforcement of licenses in cities of the first class is hereby amended and reenacted so that as so amended and reenacted same shall read as follows:

(1) The Board of Aldermen of every city of the first class, in addition to levying ad valorem taxes, may by ordinance impose license fees on franchises, provide for licensing any business, trade, occupation or profession, and the using, holding, or exhibiting of any animal, article, or other thing. License fees on such business, trade, occupation or profession for revenue purposes shall be imposed at a rate not to exceed one percentum of (a) salaries, wages, commissions and other compensations earned by every person within the city for work done and services performed or rendered in the city, and (b) the net profits of all businesses, professions, or occupations from activities conducted in the city. Licenses imposed for regulatory purposes shall not be subject to such limitations as to form and amount. No company that pays an ad valorem tax and a franchise tax shall be required to pay a license tax, and no license tax shall be imposed upon or collected from any bank, trust company, combined bank and trust company or combined trust, banking and title business in this state or other cases where the city is prohibited by statute from imposing a license tax.

(2) License fees or taxes shall be collected by the Commissioners of the Sinking Fund. The proceeds from such taxes

shall be paid to the Secretary and Treasurer of the Sinking Fund until income from all sources of the Sinking Fund, including any surplus existing on the effective date of this Act, shall be sufficient to pay the costs of administration and the interest charges for the current fiscal year of the Sinking Fund, in addition to a sum sufficient to amortize the outstanding principal indebtedness of the city on a yearly basis in accordance with regularly used amortization tables. From revenues remaining, after meeting the foregoing requirements of this section, there shall be paid into the general fund of the city an amount not to exceed three million dollars ($3,000,000.00) in any one fiscal year. Any surplus remaining after the Sinking Fund requirements hereinabove set forth have been met, and after the said payment of three million dollars ($3,000,000.00) in any one fiscal year into the general fund of the city has been made, shall be paid over to the city to be placed in an account to be designated as the "Special Capital Fund Account" and expended for capital improvements as hereinafter defined, and for no other purpose: Provided, however, that at least eighty percent (80%) of any payment made into said "Special Capital Fund Account" during the calendar year 1950 shall be used for paying the city's share of the cost of acquiring rights-of-way necessary to the establishment and improvement of major streets and expressways in the city the construction of which is to be paid in whole or in part from funds provided by the Commonwealth of Kentucky and the United States of America, or either of them.

(3) The term "capital improvements," is used herein, shall refer to lands, or buildings and structures, or either or both, but shall be limited to additions or improvements of a substantial and permanent nature and shall include but not be limited to the purchase of rights-of-way for highways and expressways, the purchase of lands for park and recreational purposes and for public off-street parking facilities in congested areas, the construction of municipal buildings wherein any essential governmental function of the municipality, or any department thereof, may be located or carried on and for the purchase and installation of traffic control lights. The term "capital improvements" as used herein shall not include the maintenance of existing streets or other public ways, except

that the purchase of rights-of-way for widening of existing streets shall be considered a capital improvement as herein defined.

(4) Ad valorem taxes for the benefit of the Sinking Fund shall not be levied unless the income of the Sinking Fund is otherwise insufficient to meet such requirements.

(5) Licenses shall be issued and enforced on such terms and conditions as may be prescribed by ordinance.

By Mr. Searcy.

H. B. No. 378. AN ACT relating to compulsory school attendance, amending Section 159.150 and subsection (1) of Section 159.990 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 159.150 of the Kentucky Revised Statutes is amended to read as follows:

Any child who has been absent from school without valid excuse for more than one day in any one calendar week, or tardy on more than three days, is a truant. Any child who has been reported as a truant more than three times is an habitual truant. Being absent for less than half a school day shall be regarded as being tardy.

Sec. 2. Subsection (1) of Section 159.990 of the Kentucky Revised Statutes is amended to read as follows:

Any parent, guardian or custodian who willfully fails to comply with the requirements of KRS 159.010 to 159.170 shall be fined not less than ten dollars nor more than twenty dollars for the first offense, and for each subsequent offense, not less than twenty dollars nor more than fifty dollars, or confined in the county jail for not less than five days nor more than ten days, or both.

By Mr. Buckman.

H. B. No. 379. AN ACT changing the classification of the City of Lebanon Junction, in Bullitt County.

Said bill is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the population of the City of Lebanon Junction, in Bullitt County, is sufficient to justify its being assigned to the fifth class of cities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Lebanon Junction, in Bullitt County, is hereby transferred from the sixth class to the fifth class of cities.

By Mr. Bernam Adams.

H. B. No. 380. AN ACT to amend and re-enact Sections 342.070, 342.075, 342.095, 342.100, 342.105, 342.110, 342.125, 342.140, 342.150, 342.280, 342.285, Kentucky Revised Statutes, and adding thereto Section 342.995, relating to Workmen's Compensation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 342.070, Kentucky Revised Statutes, be repealed and re-enacted, so that when re-enacted the same shall read as follows:

"If death should result within two years from an accident for which compensation is payable under this chapter, the employer or his insurer shall pay to the person entitled to compensation, or, if none, then to the personal representative of the deceased employee, reasonable burial expenses of a person of the standard of living of the deceased, not to ex-

ceed the sum of $300.00, and shall also pay to or for the following persons compensation as follows:

(1) If there are no dependents there shall be paid, in addition to the burial expenses and medical expenses, if any, the further sum of $200.00 payment to be made to the personal representative of the deceased employee.

(2) If there are one or more wholly dependent persons 65 percent of the average weekly earnings of the deceased employee, but not to exceed $23.00 nor less than $7.00 per week shall be payable, all such payments to be made for the period between the date of death and 400 weeks after the date of accident to the employee, or until the intervening termination of dependency, but in no case to exceed the maximum sum of $8500.00.

(3) (a) If there are partly dependent persons, the payments shall be such part of what would be payable for total dependency as the partial dependency existing at the time of the accident to the employee is proportionate to total dependency and all such payments to be made for the period between the date of death and 400 weeks after the date of the accident to the deceased employe, or until the intervening termination of dependency, but in no case to exceed in the aggregate of compensation on account of such death the maximum sum of $8,500.00.

(b) Partial dependency shall be determined by the proportion of the earnings of the employee which have been contributed to such partial dependents during one year next preceding the date of injury; if the relation of partial dependency did not exist for one year next preceding the date of injury, the board shall consider all the facts and circumstances and fix such proportion as is fair and reasonable thereunder.

(4) All relations of dependency referred to in this section shall mean dependency existing at the time of accident to the employee.

(5) If death occurs as a result of the injury after a period of total or partial disability, the period of disability shall be

deducted from the total period of compensation and the benefits paid thereunder from the maximum allowed for death by this section."

Section 2. That Section 342.075, Kentucky Revised Statutes, be re-pealed and re-enacted, so that when re-enacted the same shall read as follows:

"(1) The following persons shall be presumed to be wholly dependent upon a deceased employe:

(a) A wife upon a husband whom she had not voluntarily abandoned at the time of the accident;

(b) A husband incapacitated from wage-earning, upon a wife whom he has not voluntarily abandoned at the time of accident to the wife; and

(c) A child or children under the age of sixteen years, or over sixteen years if incapacitated from wage-earning, upon the parent with whom such child or children are living or by whom actually supported at the time of the accident.

(2) In all other cases the relation of dependency in whole or in part shall be determined in accordance with the facts of each case existing at the time of the accident.

(3) No person shall be considered a dependent in any degree unless he is living in the household of the employee at the time of the accident, except those persons above enumerated."

Section 3. That Section 342.095, Kentucky Revised Statutes, be repealed and re-enacted, so that when re-enacted the same shall read as follows:

(1) When the injury causes total disability for work, the employer, during such disability, except the first seven days thereof, shall pay the employee a weekly compensation equal to 65% of his average weekly earnings, not to exceed $24.00 nor less than $7.00 per week, such payments to be made during the period of total disability but not longer than 10 years after the date of the injury, nor in any case to exceed a maximum sum of $10,000.00. If the period of total

disability begins after a period of partial disability, the period of partial disability shall be deducted from the total period of 10 years during which compensation for total disability may be payable, and the payments made on account of such partial disability shall be deducted from the maximum of $10,000.00.

(2) In case of the following injuries the disability shall be considered total and permanent:

(a) The total permanent loss of sight in both eyes.

(b) The loss of both feet at or above the ankle.

(c) The loss of both hands at or above the wrist.

(d) A similar loss of one hand and one foot.

(e) The similar loss of either one hand or one foot, and one eye.

(f) An injury to the spine, resulting in permanent and complete paralysis of both arms or both legs, or of one arm and one leg.

(g) An injury to the skull resulting in incurable insanity or imbecility.

(3) The enumeration in subsection (2) is not exclusive, but in all other cases the burden of proof shall be on the claimant to prove that his injuries have resulted in permanent total disability.

Section 4. That Section 342.100 be repealed and re-enacted, so that when re-enacted the same shall read as follows:

"In case of an injury resulting in temporary partial disability, the employee shall receive during such disability, except the first seven days thereof, a weekly compensation equal to 65 percent of the difference between his average weekly earnings before the injury and the average weekly earnings that he earns, or is able to earn, in some suitable employment after the injury and during such disability, not to exceed 450 weeks from the date of injury, nor exceeding the sum of $21.00 per week nor the maximum sum of $8,100.00. If partial disability follows a period of total disability, the

period of total disability shall be deducted from the maximum period allowed for partial disability."

Section 5. That Section 342.105, Kentucky Revised Statutes, be repealed and re-enacted so that when re -enacted the same shall read as follows:

"For injuries enumerated in the following schedule the employe shall receive, in addition to temporary total disability compensation for the period of actual total disability, not exceeding 20 weeks, a weekly compensation equal to 65 percent of his average weekly earnings, but not less than $7.00 per week nor exceeding $21.00 per week for the periods stated thereon:

(1) For the loss of a thumb, 65 percent of the average weekly wages during 60 weeks.

(2) For the loss of a first finger, commonly called the index finger, 65 percent of the average weekly wages during 45 weeks.

(3) For the loss of a second finger, 65 percent of the average weekly wages during 30 weeks.

(4) For the loss of a third finger, 65 percent of the average weekly wages during 20 weeks.

(5) For the loss of a fourth finger, commonly known as the little finger, 65 percent of the average weekly wages during 15 weeks.

(6) The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of the thumb, the loss of more than one-half of the thumb shall be considered equal to the loss of the whole thumb.

(7) The loss of the third, or distal phalange of any finger shall be considered to be equal to the loss of one-third of the finger.

(8) The loss of the middle, or second phalange, of any finger shall be considered equal to the loss of two-thirds of the finger.

(9) The loss of more than the middle and distal phalanges of any finger shall be considered equal to the loss of the whole finger, but in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

(10) For the loss of a metacarpal bone (bone of the palm) for the corresponding thumb, finger or fingers above add 10 weeks to the number of weeks as above.

(11) For ankylosis (total stiffness of) or contractures (due to sears or injuries) which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

(12) For the loss of a hand, 65 percent of the average weekly wages during 150 weeks.

(13) For the loss of an arm 65 percent of the average weekly wages during 200 weeks.

(14) For the loss of one of the toes, other than the great toe, 65 percent of the average weekly wages during 10 weeks.

(15) For the loss of the great toe, 65 percent of the average weekly wages during 30 weeks.

(16) The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

(17) The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe.

(18) For the loss of a foot, 65 percent of the average weekly wages during 125 weeks.

(19) For the loss of a leg, 65 percent of the average weekly wages during 200 weeks.

(20) For the total and permanent loss of the sight of an eye, 65 percent of the average weekly wages during 100 weeks, plus an additional 20 weeks in cases where the eye ball is enucleated.

(21) For the total and permanent loss of hearing in one ear, 65 percent of the average weekly wage during 75 weeks."

Section 6. That Section 342.110, Kentucky Revised Statutes, be repealed and re-enacted, so that when re-enacted the same shall read as follows:

"In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employee, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employee and age at the time of injury. In no event shall compensation for injury to a member exceed the amount allowable for the loss of such member. The compensation paid therefor shall be 65 percent of the average weekly earnings of the employee but not less than $7.00 nor more than $21.00, multiplied by the percentage of disability caused by the injury, for such period as the board determines, not exceeding 450 weeks nor a maximum sum of $8,100.00. Whenever the weekly payments under this section would be less than $5.00 per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in KRS 342.020 and 342.030, is paid under any other provision of this chapter, the period during which such other compensation is paid shall be deducted from the maximum period which may be paid under this section."

Section 7. That Section 342.150, Kentucky Revised Statutes, be repealed and re-enacted so that when re-enacted the same shall read as follows:

"Whenever compensation has been paid for not less than six months, thereafter, with the consent of both parties, in any case where the board determines that it will be for the best interests of either party and will not subject the employer or his insurer to an undue risk of overpayment, future

payments of compensation or any part thereof may be commuted to a lump sum of an amount which will equal the total sum of the probable future payments so commuted, discounted at five percent per annum on each payment. Upon payment of such lump sum all liability for the payments therein commuted shall cease, and the provisions of Section 342.125 KRS shall not apply to such claim."

Section 8. That Section 342.140, Kentucky Revised Statutes, be repealed and re-enacted so that when re-enacted the same shall read as follows:

"Compensation shall be computed at the average weekly wage earned by the employee. "Average weekly wage"' shall mean the earnings of the injured employee in the employment in which he was working at the time of the injury during the period of fifty-two weeks immediately preceding the date of the injury, divided by 52; but if the injured employee lost more than seven consecutive calendar days during such period, although not in the same week, then the earnings for the remainder of such fifty-two weeks shall be divided by the number of weeks remaining after the time so lost has been deducted. Where the employment prior to the injury extended over a period of less than fifty two weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed; provided results fair and just to both parties will be thereby obtained. Where by reason of a shortness of time during which the employee has been in the employment of his employer it is impracticable to compute the average weekly wages as above defined, regard shall be had to the average weekly amount which during the fifty-two weeks previous to the injury was being earned by a person of the same grade and character employed in the same class of employment in the same locality, or community.

But where for exceptional reasons the foregoing would be unfair either to the employer or the employee, such other method of computing average weekly wages may be resorted to which will most nearly approximate the amount which

the injured employee would be earning were it not for the injury.

Section 9. That Section 342.280, Kentucky Revised Statutes, be repealed and re-enacted so that when re-enacted the same shall read as follows:

(1) If an application for review is made to the board within fourteen days from the date of the award, the full board, if the first hearing was not held before the full board, shall, as soon as practicable, review the evidence or, if deemed advisable, hear the parties at issue, their representatives and witnesses, and shall make an award and file it as specified in KRS 342.275.

(2) If a party introduces at a hearing before the full board a witness whose testimony at the original hearing appears in the transcript of evidence taken thereat, the costs accruing through the attendance of such witness and the transcribing of his testimony at the second hearing shall be borne by the party introducing him at that hearing, regardless of the outcome of the controversy.

Section 10. That Section 342.285, Kentucky Revised Statutes, be repealed and re-enacted so that when re-enacted the same shall read as follows:

(1) Within twenty days after an award or order of the Board as provided in KRS 342.275, if application for review is not filed as provided in KRS 342.280, or an award or order of the Board upon review as provided in KRS 342.280, has become final, any party aggrieved thereby may by petition appeal to the circuit court that would have jurisdiction to try an action for damages for the injuries if this chapter did not exist, for the review of such order or award, the board and the adverse party being made respondents.

(2) The petition shall state fully the grounds upon which a review is sought, assign all errors relied on and be verified by the petitioner, who shall furnish copies of the petition to the respondents at the time of filing it. Summons shall issue upon the petition directing the adverse party to file

answer within fifteen (15) days after service thereof and directing the board to send its entire original record, properly bound, to the clerk of the circuit court, after certifying that such record is its entire original record, which shall be filed by the clerk of the circuit court and such record shall then become and be considered by the circuit court on the review.

(3) No new or additional evidence may be introduced in the circuit court except as to the fraud or misconduct of some person engaged in the administration of this chapter and affecting the order, ruling or award, but the court shall otherwise hear the cause upon the record as certified by the board and shall dispose of the cause in summary manner, its review being limited to determining whether or not:

(a) The board acted without or in excess of its powers;

(b) The order, decision or award was procured by fraud;

(c) The order, decision or award is not in conformity to the provisions of this chapter; and

(d) If findings of fact are in issue, whether such findings of fact support the order, decision or award.

(e) Whether such findings of fact are contrary to the preponderance of the evidence, the Board's findings of fact being given the same presumption of correctness as the findings of a Chancellor in Equity.

(4) The board and each party may appear in such review proceedings; the court shall enter judgment affirming, modifying or setting aside the order, decision or award, or in its discretion remanding the cause to the board for further proceedings in conformity with the direction of the court. The court may, before judgment and upon a sufficient showing of fact, remand the cause to the board.

(5) In the event that an award of compensation is affirmed by the Circuit Court and no appeal to the Court of Appeals is prosecuted, or if affirmed by the Court of Appeals on appeal from the Circuit Court, all past due installments of compensation shall be increased by 10%, in addition to accrued interest thereon."

Section 11. That there be added to Chapter 342, Kentucky Revised Statutes, as Section 342.995, the following:

"342.995. This Act shall be liberally construed on question of law, as distinguished from evidence, and the rule of law requiring strict construction of statutes in derogation of the common law shall not apply to this Act."

By Mr. Morgan.

H. B. No. 381. AN ACT relating to pawnbrokers.
Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Chapter 216 of the Acts of the 1946 General Assembly of Kentucky, being Senate Bill 181 of 1946 and compiled as Sections 226.050, subsection 2, Section 226.080, and Section 226.090 of the Kentucky Revised Statutes, be and the same are hereby repealed in their entirety.

By Mr. Hubbard.

H. B. No. 382. AN ACT relating to warrants drawn on the State Treasurer.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 41.120 of the Kentucky Revised Statutes, is amended to read as follows.

All claims against the state shall be paid by the Treasurer on the warrants of the Department of Finance. All warrants issued in accordance with the provisions of this chapter shall, when signed by the Commissioner of Finance or an assistant designated by him, constitute full and sufficient authority to the Treasurer for the disbursement of public money in the

amount set forth. Said signatures may be placed on the warrants by means of an appropriate mechanical device.

2. WHEREAS, the requirement of personal signing of warrants is casting an ever increasing burden upon the Director of the Division of Accounts and Control which occupies a great portion of the time of said officer, and

WHEREAS, it is essential to the proper and efficient conduct of the business of said division that this requirement be dispensed with prior to the close of the present fiscal year.

NOW, THEREFORE, an emergency is hereby declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Carter.

H. B. No. 383. AN ACT relating to payment of money to persons under a disability, amending Section 387.280 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 387.280 of the Kentucky Revised Statutes is amended to read as follows:

Whenever a person under disability having no guardian or committee is entitled to receive a sum not exceeding five hundred dollars, exclusive of interest, in any action wherein real estate has been sold or in the settlement of any estate or from any other source, the court in which the action is pending, or, if the sum does not derive from such action, the county court, may order the sum to be paid to the person having custody of such ward. Before entering the order, the court shall be satisfied by affidavit or oral testimony that the ward is in the custody of the person to whom it is proposed to pay the money, and the latter, upon withdrawal of the money, shall be under obligation

as trustee to expend it for support, maintenance or education of the ward. When the order is made no bond shall be required of the person having custody of the ward and the purchaser of the real property may pay the share into court, and no lien shall remain on the property therefor and the money may be withdrawn by the person mentioned in the order without his giving bond. A release executed by the person to whom the court has ordered the sum paid shall have the same effect as a release by a duly appointed guardian or committee.

By Mr. Baer.

H. B. No. 384. AN ACT relating to adoptions and the welfare of children.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Definitions*

As used in this Act, unless the context requires otherwise:

(1) "Commissioner" means Commissioner of Economic Security or his duly authorized representative;

(2) "Department" means Department of Economic Security;

(3) "Division" means the Division of Child Welfare in the Department of Economic Security;

(4) "Child" means any person who has not reached his 21st birthday except that for purposes of adoption the term child shall include an adult;

(5) "Neglected or dependent child" means any child who is under such improper parental care and control or guardianship as to injure or endanger the morals, health or welfare of himself or others;

(6) "Abandoned child" means any child who by reason of the desertion of his parents or guardian is in destitute circumstances;

(7) "Child-caring institution or agency" means any agency or institution, other than a state institution or one operated primarily for educational or medical purposes, in which four (4) or more children, not related by blood, adoption or marriage to the person maintaining the institution, are cared for and maintained in residence for compensation or otherwise;

(8) "Child-placing institution or agency" means any agency or institution other than a state agency which arranges for the placement of children in child-caring homes or child-caring institutions, or which arranges for the placement of children for adoption;

(9) "Child welfare worker" means any employee of the Department designated as such by the Commissioner or social worker employed by a county or city who has been approved by the Department to handle, under its supervision, services to children.

Section 2. *Commissioner, Powers, and Duties*

(1) The Commissioner of Economic Security shall have sole charge of the administration of the Division.

(2) The Commissioner shall have the power and authority to adopt, and amend or rescind such rules and regulations as he deems necessary or suitable for the proper administration of the functions of the Division, including qualification for the receipt of federal funds and for cooperation with other state and federal agencies. Such rules and regulations shall become effective in the manner and at the time prescribed by the Commissioner.

(3) In the administration of this Act the Commissioner shall cooperate to the fullest extent possible with any agency of this State or any other state or of the United States.

(4) The Commissioner of Economic Security is authorized, subject to the provisions of KRS Chapters 12, 42, and 45, to appoint, fix the compensation and prescribe the duties and powers of such officers and employees as may be necessary in the performance of his duties under this Act. All positions shall be filled by persons selected and appointed on a non-partisan merit basis, in accordance with merit standards established by law.

The Commissioner shall not employ or pay any person who is an officer or committee member of any political party organization. The Commissioner may delegate to any such person so pointed such power and authority as he deems reasonable and proper for the effective administration of this Act.

(5) The Commissioner shall have the power and authority to elect coverage for the workers in the Division under the provisions of KRS Chapter 341, and may elect coverage for such workers under the Workmen's Compensation Law of this State. In the event such coverage is elected the payment of contributions under KRS Chapter 341 and premiums under the Workmen's Compensation Law shall be deemed a proper cost of administration.

(6) If and when the Congress of the United States amends the Federal Social Security Act so as to extend its provisions to include state employees, the Commissioner is hereby authorized to take such actions as are necessary to extend the benefits of such act to the employees of the Division. In the event of such extension the contributions required of the Division as the employer shall be deemed to be a proper cost of administration.

(7) The salaries and expenses of the Commissioner and his staff shall be considered a proper cost of administration of this Act, to be charged to the Child Welfare and Benefit Fund in that proportion which the cost of such services rendered in the administration of this Act bears to the over-all cost of the services rendered in the administration of the Department.

Section 3. *Subpoenas, Confidential Nature of Records*

(1) In the discharge of the duties imposed by this Act the Commissioner or his duly authorized representative may administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of books, papers, correspondence, memoranda and other records considered necessary and relevant as evidence in connection with the administration of the Division. Such subpoena shall be served in the same manner as a subpoena issued out of a circuit court. Witnesses subpoenaed shall be allowed witnesses' fees according to the rates prescribed by

KRS 421.010 for each day their attendance is actually required at a hearing.

(2) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda or other records in response to such subpoena on the grounds that the evidence required of him may tend to incriminate him or subject him to a penalty, or forfeiture. No person shall be prosecuted or subjected to any suit, penalty, or forfeiture on account of any transaction, matter, or thing concerning which he or his agent or worker is compelled, after having claimed privilege against self-incrimination, to give evidence except that such witness so testifying shall not be exempt from punishment for perjury.

(3) All letters, reports, communications, and other matters, written or oral, to the Division or any of its agents, representatives, or employees, or to any board or official functioning under this Act, which have been written, sent, or made in connection with the requirements and administration of the Division shall be absolutely privileged and shall not be the subject matter or basis for any suit for slander or libel in any court, but no person testifying before the Commissioner or his duly authorized representative, shall be exempt from punishment for perjury. Information obtained shall not be published or be open for public inspection, except to public employees in the performance of their duties, but any interested party at a hearing before the Commissioner or his duly authorized representative shall be supplied with information from such records to the extent necessary for the proper presentation of his case.

Section 4. *Destruction of Records*

The Commissioner may authorize the destruction of such original reports and records as have been properly recorded or summarized in the permanent records of the Division or are no longer considered necessary to the proper administration of the Department. Such destruction or disposition shall be made only by order of the Commissioner. Any money received from the disposition of such records shall be deposited to the credit of the Child Welfare and Benefit Fund.

Section 5. *Advisory Councils*

(1) The Commissioner may appoint a State Advisory Council for Child Welfare, and such other special committees as he may from time to time deem necessary. These councils shall aid the Commissioner in formulating policies and discussing problems related to the administration of the Division and in assuring impartiality and freedom from political influence in the solution of such problems. The members of such councils shall serve without compensation, but shall be reimbursed for all necessary expenses.

Section 6. *Services to Children, Scope of Department's Responsibilities*

In addition to the other duties, functions, and responsibilities imposed by law, the Department, through its authorized representatives, shall have general supervision and management of all matters contained in KRS 199.350 to 199.370 and shall, wherever possible:

(1) Locate and plan for all children who are dependent, neglected, abandoned or in danger of becoming delinquent;

(2) Cooperate with and assist the juvenile courts of the various counties;

(3) Assist circuit courts through services to children whenever requested by the court; and

(4) Perform such other services as may be deemed necessary for the welfare of children.

Section 7. *Disposition of Abandoned, or Dependent or Neglected Children*

(1) When any child is found to be abandoned, or neglected or dependent or in danger of becoming delinquent, the court may, if the home where the child is found is a suitable place for the child, allow the child to remain in the home subject to the visitation of a child welfare worker.

(2) If the person having custody of any such child consents thereto, or is unfit, unable or unwilling to care for, protect, or discipline the child, and it is for the interest of the child that

such child be taken from the person having its custody, the court may cause the child to be placed in a suitable home, or to be boarded out when provision for payment of board has been made, or make the child a ward of the court and arrange for its admission to an institution for the care of neglected or dependent children that will receive the child. Children so placed in such homes or institutions shall be subject to the visitation and supervision of a child welfare worker.

(3) The court having made any child who is abandoned, neglected or in danger of becoming delinquent its ward shall not arrange for its admission to any institution receiving delinquent children unless provision is made to separate delinquent from abandoned or neglected or dependent children.

(4) Any child made a ward under this section shall be a ward for such time during its minority as the court prescribes, and the court may set aside or modify its order at any time.

Section 8. KRS 199.410 is amended to read as follows:

(1) The provisions of KRS 199.380 to 199.400 shall not affect or apply to boarding homes in which children under the care, custody or control of the Department, or receiving aid from the Department, are being boarded, and which have been approved by the Department as meeting the standards of the Department for placement, nor shall the provisions of KRS 199.380 to 199.400 affect persons caring for and providing for children related to them by blood or marriage.

(2) KRS 199.380 to 199.400 shall apply only to counties containing a city of the second class.

Section 9. *Fund and Accounts*

(1) There shall be in the State Treasury a special fund known as the Child Welfare and Benefit Fund which shall be administered separate and apart from all public money or funds of this State. The fund shall consist of all money appropriated by this State, all money received from the United States or any agency thereof and all money received from any other source for the child welfare functions administered by the Department.

All money deposited or paid into this fund is hereby appropriated and shall be available to the Commissioner for expenditure consistent with the provisions of this Act and KRS Chapter 195.

(2) The State Treasurer shall maintain within the fund three (3) separate accounts:

(a) An administrative account to which shall be deposited all money appropriated by this State, for the administration of the child welfare functions of the Department;

(b) A benefit account to which shall be deposited all money appropriated by this State, and all money received from the United States or any agency thereof for the purpose of providing care, maintenance or treatment for children; and

(c) A miscellaneous account to which shall be deposited all money received from the United States or any agency thereof or from any other source for the administration of the child welfare functions of the Department.

(3) All money in the benefit account and miscellaneous account shall be continuously appropriated and available to the Commissioner without respect to fiscal years. A general statement that all continuing appropriations are repealed shall not be construed as repealing this subsection.

(4) The Commissioner is authorized to direct the transfer of all or any part of such money in the miscellaneous account to either of the other two (2) accounts for expenditure consistent with the provisions of subsection (2) (a) and (b) of this section or such money in the administrative account as is not required for administrative purposes to the benefit account for the care, maintenance and treatment of children.

Section 10. *Petition for Adoption*

(1) Any adult person who is a resident of this State or who has resided in this State for twelve (12) months next before filing, may file a petition for leave to adopt a child in the circuit court of the county in which the petitioner resides.

(2) If petitioner is married, the husband or wife must join in a petition for leave to adopt a child unless the petitioner is

married to a natural parent of the child to be adopted, except that if the court finds that the requirement of a joint petition would serve to deny the child a suitable home, such requirement may be waived.

(3) No petition for the adoption of any child under the age of sixteen (16) shall be filed until after the child has lived continuously in the home of the petitioner for at least three (3) months immediately prior to the filing of the petition.

Section 11. *Parties Defendant; Process*

(1) The following persons shall be made parties defendant in an action for leave to adopt a child;

(a) The child to be adopted;

(b) The natural living parents of a child under twenty-one (21), if the child is legitimate and its mother if the child is born out of wedlock, provided that no natural parent need be made a party defendant in the event the parental rights of such parent have been terminated under Section 23 to 26 of this Act;

(c) The child's guardian, if it have one;

(d) If the care, custody and control of the child has been transferred to the Department, any other individual, institution or agency, then the Department, such other individual, institution or agency shall be named a party defendant.

(2) Each party defendant shall be brought before the court in the same manner as provided in other civil cases except that if the child to be adopted is under fourteen (14) years of age and the Department, individual, institution or agency has custody of such child, the services of process upon such child shall be had by serving a copy of the summons in such action upon the Department, individual, institution or agency, any provision of Section 52 of the Civil Code of Practice to the contrary notwithstanding.

(3) If the child's natural living parents, if the child is legitimate, or its mother if the child is born out of wedlock, are parties defendant no guardian ad litem need be appointed to represent the child to be adopted.

Section 12. *Contents of Petition*

(1) The petition shall allege:

(a) The name, date and place of birth, place of residence and mailing address of each petitioner and if married, the date and place of their marriage;

(b) The name, date and place of birth, place of residence and mailing address, if known, of the child sought to be adopted;

(c) Relationship, if any, of the child to each petitioner;

(d) Full name by which the child shall be known after adoption;

(e) A full description of the property, if any, of the child so far as it be known to the petitioner;

(f) The names of the parents of the child and the address of each living parent, if known, provided the name of the natural father of a child born out of wedlock shall not be given, or if certified copies of orders terminating parental rights are filed as provided in subsection (2) of this section, the names of any parent whose rights have been terminated shall not be given;

(g) The name and address of the child's guardian, if any, or of the Department, institution or agency having legal custody of the child;

(h) Any further facts necessary for the location of the person or persons whose consent to the adoption is required, or whom Section 11 requires to be made a party to or notified of of the proceeding; and

(i) If any fact herein required to be alleged is unknown to the petitioners, such lack of knowledge must be alleged.

(2) There shall be filed with the petition any sworn consent or consents to adoption and certified copies of any orders terminating parental rights.

Section 13. *Consent, Who Must Give*

(1) No adoption shall be granted without the sworn consent of the living parent or parents of a legitimate child or the

mother of a child born out of wedlock, except that such consent of the living parent or parents shall not be required if:

(a) Such parent or parents have been adjudged incompetent and such judgment shall have been in effect for not less than one (1) year to the filing of the petition for adoption;

(b) The person to be adopted is twenty-one (21) years of age or over, in which event his consent alone shall be required;

(c) The parental rights of such parents have been terminated under Section 23 to 26; or

(d) The living parents are divorced and the parental rights of one parent have been terminated under Section 23 and consent has been given by the parent having custody and control of the child.

(2) A minor parent who is a party defendant may consent to an adoption but a guardian ad litem for such parent shall be appointed.

(3) In the case of a child twelve (12) years of age or older, the consent of the child shall be given in court, provided that the court in its discretion may waive this requirement.

(4) Notwithstanding the provisions of subsection (1) of this section, an adoption may be granted without the consent of the natural living parents of a child if it is pleaded and proved as a part of the adoption proceedings that any of the provisions of subsections (1) or (2) of Section 23 of this Act exist with respect to such child.

Section 14. *Investigation and Report*

(1) Upon filing a petition for the adoption of a minor child, the Clerk of the Court shall forward a copy of the petition to the Department. The Department of any agency or institution designated by it, shall, to the extent of available facilities, verify the allegations of the petition, make an investigation of the matter and report its findings in writing to the court. The report shall show, among other things:

(a) Why the natural parent, if living, desires to be relieved of the care, support and guardianship of such child;

(b) Whether its proposed adoptive parents are financially able and morally fit to have the care, support and training of such child;

(c) The race and the physical and mental condition of such child in each instance so far as this can be determined; and

(d) Whether the adjustment of the child in the home is satisfactory.

(2) The report of the Department or designated agency or institution shall be submitted to the court within ninety (90) days after the copy of the petition is forwarded to the Department, provided that if the Department or designated agency or institution is unable to make the report it shall immediately notify the court of its inability to conduct an investigation, and the court may designate some other agency or suitable person to make the necessary investigation, or for good cause the court may extend the period for filing the report required in this section.

Section 15. *Order of Adoption*

(1) If, after the hearing of the case which shall be private and the filing of the required consent or consents, the court finds that the facts stated in the petition were established and that all legal requirements relating to the adoption have been complied with, it shall enter an order setting forth all jurisdictional facts and directing that a judgment of adoption be entered adjudging that from and after the date of the entry thereof, the child shall be deemed the child of the petitioners, for the purposes set forth in Section 16.

(2) The court shall not enter an order of adoption of a minor child unless the court finds that the petitioners are of good moral character, of reputable standing in the community and of ability to properly maintain and educate the child, and that the best interest of the child will be promoted by the adoption and that the child is suitable for the adoption.

Section 16. *Judgment of Adoption and Legal Status of Adopted Child*

(1) After the entry of the order of adoption provided for in Section 15 of this Act, the court shall enter a judgment of adoption in which judgment the name of the child shall be changed to conform with the prayer of the petition and the judgment, including the caption, shall contain only the adopted name of the child, without any reference whatsoever to its former name.

(2) Any child adopted pursuant to the provisions of this Act shall be considered, for purposes of inheritance and succession and for all other legal considerations, the natural, legitimate child of the parents adopting it. A child so adopted shall be freed from all legal obligations of maintenance and obedience to its natural parents, except that where the adopting parent of the child is married to the natural parent of the child, the relation of the child to that natural parent shall not in any way be altered by the adoption and the rights and obligations of the natural parent and the adopting parent to the child shall be the same as if the child were the natural child of both the natural parent and the adopting parent. The judgment of adoption shall include the applicable provisions of this subsection.

(3) The adoptive parents of a child shall inherit from the child in the same manner as if the child had been born of lawful wedlock to the adoptive parents.

(4) If the adoptive parents do not survive the adoptive child, all property of the deceased adoptive child, in the absence of lawful issue, shall descend under the general law of descent and distribution as if the child were the natural child of the adoptive parents.

(5) Nothing in this section shall prevent an adoptive child from inheriting from its natural parents.

(6) The Department shall be notified of any action of the court with respect to entering a judgment granting an adoption, the annulment of an adoption and the denial or dismissal of a petition for adoption.

Section 17. *Annulment of Adoptions*

(1) Whenever a child adopted under this Act reveals definite traits of ethnological ancestry different from those of the

adoptive parents, and of which the adoptive parents had no knowledge or information prior to the adoption, a petition setting forth such facts may be filed by the original petitioner or the Department at any time within five (5) years after such adoption with the court which decreed the adoption and if upon hearing the facts set forth in such petition they are established, the said court may enter a decree of annulment of the adoption and setting aside any or all rights or obligations which may have accrued by reason of said adoption.

(2) After the expiration of two (2) years from the date of the entry of judgment of adoption, the validity thereof shall not be subject to attack in any procedures, collateral or direct, by reason of any irregularity in procedures had pursuant to this Act.

Section 18. *Disposition of Child if Adoption Not Adjudged*

(1) If for any reason whatsoever a petition for adoption of a minor child be dismissed or the judgment of adoption annuled, the following disposition shall be made of the child:

(a) If the child is, or was, prior to the filing of the petition, in the care, custody and control of the Department, individual, institution or agency, then the child shall be returned to the custody of the Department or such individual, institution or agency; and

(b) Otherwise the court shall certify the case to the Juvenile Division of the County Court of the county where the adoption proceeding is pending for appropriate action and disposition. Said county court shall advise the Department of the pendency of such action.

Section 19. *Appeal*

Any party to any adoption proceeding shall have the same right of appeal to the Court of Appeals of Kentucky as in other equity actions.

Section 20. *Disclosure of Information*

(1) The files and records of the court in adoption proceedings shall not be open to inspection by persons other than parties

to such proceedings, their attorneys, and representatives of the Department, except upon order of the court expressly permitting inspection. No person having charge of any adoption records shall disclose the names of any parties appearing in such records or furnish any copy of any such records, except upon order of the court which entered the judgment of adoption. The clerk of the circuit court shall set up a separate docket and order book for adoption cases and these files and records shall be kept locked.

(2) After entry of an adoption judgment in which there is provided a change of name, or where the status of the child is illegitimate, the clerk of the circuit court shall promptly report to the Division of Vital Statistics of Kentucky full information as called for on forms furnished by the Division of Vital Statistics, necessary to make a new birth certificate conforming to the standard birth certificate form. Upon the receipt of this information, the Division of Vital Statistics shall cause to be made a new record of the birth in the new name and it shall be filed with the original certificate, and the original certificate shall be stamped with the words, "CONFIDENTIAL—subject to copy or inspection only on written order of Court".

(3) The new certificate shall set forth the new name, if any, of the adopted child, the names of the adoptive parents and such other information deemed necessary in accordance with rules and regulations promulgated by the Division of Vital Statistics in the issuing of birth certificates for adopted children. If no birth certificate is on file for a child born in Kentucky, the Division of Vital Statistics shall prepare a certificate of birth in accordance with the regular procedure for issuing the birth certificate for a child whose original certificate is on file. The Division of Vital Statistics shall furnish to the clerks of the circuit courts the necessary forms to carry out the provisions of this section.

(4) Thereafter when any copy of the certificate of birth of any child is issued it shall be a copy of the new certificate of birth except when an order of the court granting the judgment of adoption shall request the issuance of the copy of the original certificate of such child's birth.

(5) If any judgment of adoption is reversed, modified or vacated in any particular, the clerk of the circuit court shall notify the Department and the Division of Vital Statistics of such reversal or modification and the effect of same, and thereupon such division shall make such changes, if any, in its records as may be necessary by such reversal or modification.

Section 21. *Savings Clause*

Nothing in this Act shall affect adoption proceedings pending under former laws on the effective date of this Act.

Section 22. *Advertisement Soliciting Children for Adoption Forbidden*

(1) No person, corporation or association shall advertise in any manner that it will receive children for the purpose of adoption nor shall any newspaper published in the Commonwealth of Kentucky nor any other publication which is prepared, sold, or distributed in the Commonwealth of Kentucky contain an advertisement which solicits children for adoption or solicits the custody of children.

(2) No person, agency or institution not licensed by the Department, may charge a fee or accept remuneration for the procurement of any child for adoption purposes.

Section 23. *Cause for Termination; Action, Who May Bring; Jurisdiction*

(1) In a proceeding involving a neglected or abandoned child, as defined in Section 1 of this Act, the circuit court may terminate all parental rights of the parents of such child, and declare the child to be a ward of the State, and may vest the care, custody and control of the child in the Department, or in any licensed child-caring or child-placing agency or institution, if facilities are available to receive the child, if it is pleaded and proved in a private hearing that the parents have abandoned or deserted the child, or have substantially and continuously or repeatedly refused, or being able have neglected, to give the child parental care and protection, or that the child is neglected

and that the parents have been adjudged mentally incompetent to retain their parental rights and such judgment has been in effect for not less than one (1) year.

(2) If the circumstances described in subsection (1) of this section exist with respect to only one of the two legitimate parents, the parental rights of that parent may be terminated, in which case the child shall not be declared to be a ward of the State, unless with the voluntary consent of the other parent.

(3) In an action to terminate parental rights under this section the parents, if the child is legitimate, or the mother if the child is born out of wedlock, must be personally summoned; or where personal service cannot be made, must be constructively summoned as provided in the Civil Code of Practice.

(4) The court may be convened at any time wherever the the judge thereof may be found within his district, irrespective of the regular term, for the purpose of terminating parental rights under this section and shall complete the same as soon as possible.

(5) Proceedings under this section may be instituted upon petition by the Department, any probation officer, any state or local law enforcement officer, any county or commonwealth's attorney or a natural parent.

Section 24. *Appeals*

A judgment terminating parental rights, made pursuant to Section 23 of this Act, shall be final, subject to the right of appeal to the Court of Appeals as provided by law for appeals in equity cases.

Section 25. *Voluntary Termination*

(1) The parents of any child, or the surviving parent where one parent is deceased, or in the case of a child born out of wedlock, the mother, may present to the judge of any circuit court in this State, a written petition setting forth facts alleging that such parents, parent or mother, as the case may be, (a) is unable to provide proper parental care for such child; and (b) is willing

to relinquish all parental rights to such child, and alleging that the Department or a licensed child-caring or child-placing agency or institution which is authorized to place children for adoption, has the facilities to accept the care of the child or in the absence of such facilities, some suitable person is willing to accept the care of such child.

(2) The petition shall either be accompanied by a statement, signed and sworn to by an authorized representative of the Department or the licensed agency or institution, that facilities exist to receive the care, custody and control of the child, or such facts shall be made known in the presence of the court by such a representative, or in the absence of such facilities, the signed statement of the individual willing to accept the care of the child.

(3) If it is proved to the satisfaction of the court that termination of parental rights and committment to the Department or licensed institution, agency or suitable person will be for the benefit of the child, the court may order the child to be so committed and the parental rights of the natural parents terminated.

Section 26. *Order of Termination; Effect of*

(1) Any order terminating the parental rights of any person under this Act shall be an ex parte order, and the order, including the caption, shall contain only the name of the child, without any reference whatsoever to the names of the parents whose rights have been terminated. Such order shall be duly recorded in the order book of the circuit court and a certified copy of the order given to the Department and to the institution or agency if the child is accepted for placement for adoption.

(2) Where parental rights have been terminated pursuant to this Act, all legal relationships between the parents and child shall cease to exist, the same as if the relationship of parent and child had never existed, except that the child shall retain the right to inherit from its parents under the laws of descent and distribution.

Section 27. *Licenses, Requirements, Application for*

(1) On and after July 1, 1950, no person, association or organization shall conduct, operate or maintain any child-caring or

child-placing institution or agency without having a license to do so issued by the Department.

(2) Licenses issued the agency or institution shall be valid until revoked by the Department provided that each licensed agency or institution shall be visited and inspected by a person authorized by the Department at least once each year and a complete report of such visit or inspection be filed with the Department. Each license issued shall specify the type of service the licensee is authorized to perform. The Commissioner may adopt regulations establishing standards of care and service for child-caring institutions and child-placing institutions and agencies relating to the sanitary and hygenic conditions, the facilities available for each child, the diet provided, the safety of the child from fire and other accidents and hazards, and such other factors as may be necessary to promote the welfare of children cared for or placed by such agencies and institutions.

(3) Each agency or institution licensed under this Act shall keep a record containing:

(a) The names, ages, present and former residences of all children received;

(b) The names, residence and occupation so far as is known, of the parents;

(c) The dates of the reception, placing out for adoption or foster care, together with the names, occupation and residence of the persons with whom the child is placed;

(d) The date and cause of termination of its custody of each child; and

(e) A brief history of each child until he shall have reached the age of eighteen (18) years or shall have been adopted or discharged according to the law.

All records regarding children or facts learned about children and their parents and relatives by any licensed agency or institution shall be deemed confidential in the same manner and subject to the same provisions as similar records of the Department. The information thus obtained shall not be published or be open for public inspection except to authorized employees of

the Department or of such licensed agency or institution in the performance of their duties.

(4) If the Department or authorized person is unable to make the necessary investigation or inspection for issuance of a permanent license to any such agency or institution prior to July 1, 1950, a provisional license shall be issued subject to the completion of the necessary investigation or inspection.

If such inspection or investigation reveals that the agency or institution does not meet the standards prescribed for licensing such agency or institution, the provisional license shall remain in effect for a period prescribed by the Commissioner but not to exceed twelve (12) months from the date the agency or institution was first notified of its failure to meet such standards.

(5) Applications for licenses shall be made to the Department and no agency or institution shall be refused a license nor have its license revoked by reason of failure to meet prescribed standards until after the expiration of a period not to exceed twelve (12) months from the date of the first official notice that standards have not been met.

Section 28. *Child-Caring Institutions*

Any licensed child-caring institution or agency may contract to provide care and maintenance for a child in accordance with the terms of its license. Any licensed child-caring institution or agency may receive children committed to its custody and provide care and services for the child until the child is discharged from custody pursuant to law.

Section 29. *Child-Placing Institutions*

A licensed child-placing institution or agency may place children in a child-caring institution or home for care and maintenance, or may place children for adoption if specifically authorized by its license so to do. The institution or agency shall keep and maintain careful supervision of all children under its care and of children placed by it in child-caring homes, and its agents shall visit such homes as often as may be necessary to promote the welfare of the children.

Section 30. *Revocation of Licenses*

(1) The Department may revoke a license under this Act for any condition which would have caused a denial of the license in the first instance. The Department may refuse to issue a license in any case where the applicant is not found to possess the qualifications prescribed by the Commissioner.

(2) In any case where the Department proposes to revoke or to refuse to issue a license, written notice shall be given to the licensee or applicant, stating the proposed action and grounds therefor, and notifying the licensee or applicant that such license will be revoked or refused unless the applicant or licensee makes application for a hearing before the Commissioner within thirty (30) days of such notice. If application for such hearing is made, the Commissioner shall set a time for the hearing, of which ten (10) days' notice shall be given to the licensee or applicant, and at the hearing the licensee or applicant shall be entitled to be heard in person or by counsel, and to present witnesses. Following the hearing the Commissioner shall render a decision in writing, setting forth his findings of fact and conclusions of law, and affirming, modifying or setting aside the findings of the Department and shall send a copy thereof to the licensee or applicant by registered mail.

(3) The decision may be reviewed in the circuit court of the county in which the institution or agency is located, by action commenced within thirty (30) days after receipt of the copy of the decision, and in such action the findings of fact made by the Commissioner shall be conclusive if supported by any competent evidence.

Section 31. *Penalties*

(1) Any person who violates any of the provisions of Sections 3, 20, and 22 or Sections 27 to 30 of this Act or any rule or regulation under such sections the violation of which is made unlawful shall be fined not less than $500.00 nor more than $2000.00 or imprisoned for not more than six (6) months or both. Each day such violation continues shall constitute a separate offense.

(2) Any person who willfully violates any other of the provisions of this Act or any rule or regulation under it, the violation of which is made unlawful under the terms of this Act, and for which no other penalty is prescribed in this Act, or in any other applicable statute, shall be fined not less than $20.00 nor more than $200.00 or imprisoned for not more than thirty (30) days or both.

Section 32. *Authority to Study Laws*

The Legislative Research Commission shall make a survey of existing laws relating to child welfare in Kentucky, and on or before December 1, 1951 shall report to the General Assembly and the Governor making recommendations as to necessary changes in such laws to provide a comprehensive, effective and complete Children's Code.

Section 33. *Repealers*

Sections 196.060, 199.130, 199.360, 391.080, and.405.250 to 405.380 of. the Kentucky Revised Statutes are hereby repealed. Any other provision of law in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

By Mr. Fannin.

H. B. No. 385. AN ACT relating to places of entertainment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 231.100 of the Kentucky Revised Statutes is amended to read as follows:

The county court shall, by an order entered in its order book, fix reasonable hours of operation for places of entertainment throughout the county, other than for places of public

entertainment at which people assemble to eat and at which no intoxicating drinks are sold.

By Mr. Helm.

H. B. No. 386. AN ACT relating to the allowance for pauper idiots and making an appropriation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 203.250 of the Kentucky Revised Statutes is amended to read as follows:

(1) A person having the care, custody or charge of an idiot may by filing with the Department of Finance a certified copy of the inquest and the order of the court adjudging an idiot to be a pauper, have an allowance to a pauper idiot of not more than two hundred dollars per annum to be paid as follows:

(a) Three-fourths of the allowance shall be certified by the court holding the inquest to the Department of Finance for payment out of the State Treasury;

(b) One-fourth of the allowance shall be allowed and certified for payment by the court holding the inquest to the fiscal court of the county in which the inquest is held.

(2) If the idiot dies or ceases to be a pauper, a proportionate part of the allowance from the anniversary date of the allowance to the day of his death or his ceasing to be a pauper, may be paid.

Sec. 2. The sum of $195,000 for payment of allowances for pauper idiots is appropriated to the Department of Welfare for each of the fiscal years 1950-1951 and 1951-1952, which shall be in addition to any other appropriations for said years.

By Mr. Archie R. Moore.

H. B. No. 387. AN ACT relating to vital statistics.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 213.190 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Division of Vital Statistics shall, upon request furnish any applicant a certified copy of the record of any birth, sickness or death registered under the provisions of this chapter, for which it shall be entitled to a fee of fifty cents, to be paid by the applicant. Any such certified copy shall be prima facie evidence in all courts and places of facts therein stated. For any search of the files and records when no certified copy is made, the Division of Vital Statistics shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search, to be paid by the applicant.

(2) The Division of Vital Statistics, upon the receipt of the record of any birth which occurred in any county other than the county in which the mother of such child resides, shall furnish the local registrar in the county of the mother's residence a certified copy of the record of such birth to be filed and permanently preserved in his office as the local record, in the manner directed by the Division of Vital Statistics.

(3) In cities of the first and second classes, certified copies of any birth or death may be furnished by the local health authorities. The fee for such copy or search of record shall be the same as provided in subsection (1) of this section, and such fees shall be paid to the treasurer of the city.

(4) No fee or compensation shall be allowed or paid for furnishing certificates of birth, sickness or death required in support of any claim for compensation, insurance, back pay or other allowances for the benefit of any person who has at any time served as a member of the Army, Navy or Marine Corps of the United States.

By Mr. Polsgrove.

H. B. No. 388. AN ACT relating to school teachers.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No superintendent, supervisor, principal or other school administrator, his agents or appointees, other than teachers, shall solicit, persuade, urge, ask, demand or coerce in any way the teachers of his school district to join or contribute to any educational or teachers' organization, professional or otherwise. Any superintendent, supervisor, principal or other school administrator who violates this section shall forfeit his office and his certificate shall be revoked.

Ordered that said bills be printed and referred.

Mr. Snapp moved that the rules be suspended for the purpose of offering a resolution.

Said motion was agreed to by a majority of the members elected.

Thereupon, Messrs. Snapp and Mackey offered the following resolution, viz:

H. Res. No. 48. A RESOLUTION designating, as "Governor Fields Memorial Highway," that portion of Highway No. 165 leading from Mt. Olivet, in Robertson County, to the intersection with Highway No. 68 at Blue Licks Battlefield Park.

WHEREAS, the Honorable William J. Fields, as Chief Executive of the Comonwealth of Kentucky, evidencing an unusual interest in the welfare of the County of Robertson and deploring the lack of a high type highway within its boundary, and realizing the difficulties confronting said county in the procurement of such a highway, agreed to and did through sincere and earnest effort in conjunction with the State Highway Commission cause to be constructed that portion of Highway No. 165 above set out in Robertson County, at no cost to said county; and

WHEREAS, it is fitting, proper and desirable that this highway be named in honor of Governor Fields who made it possible;

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the portion of Highway No. 165 beginning in the town of Mt. Olivet, Robertson County and running through said County to the intersection with Highway No. 68 at Blue Licks Battlefield Park, be and the same is hereby officially designated as the "GOVERNOR FIELDS MEMORIAL HIGHWAY."

Ordered that said resolution be laid on the Clerk's Desk.

A resolution of the following title was introduced, viz:

By Mr. Holbrook.

H. Res. No. 49. A JOINT RESOLUTION appropriating from the General Fund of the Commonwealth of Kentucky the sum of $49.50 to pay, Hager Watson, Circuit Court Clerk of Magoffin County, for claims due him for services rendered in the performance of his duties for the Commonwealth in administering oath to and excusing 198 jurors that were summoned in the Magoffin Circuit Court to qualify for jury service.

Said resolution is as follows, viz:

WHEREAS, Hager Watson, Circuit Court Clerk of Magoffin County administered oaths to 181 jurors that were summoned for jury service in the case of Commonwealth of Kentucky vs: Newby Whitt, charged with the crime of murder in the Magoffin Circuit Court, upon which charge he was subsequently tried and convicted in said court and the said Hager Watson administered oaths to 181 jurors, as above set out for which he is entitled to fees in the sum of $45.25.

WHEREAS, the said Hager Watson administered oaths to and excused 17 by-stander jurors that were summoned for jury service at the regular September Term, 1949 of the Magoffin Circuit Court and the said Hager Watson administered oaths to

17 by-stander jurors, as above set out, for which he is entitled to fees in the sum of $4.25.

WHEREAS, each of the said claims are just, due, and unpaid and said services were performed by the said Hager Watson, Clerk of the Magoffin Circuit Court, under orders of the Magoffin Circuit Court,

NOW THEREFORE

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Hager Watson, Circuit Court Clerk of Magoffin County for swearing 198 jurors and excusing same is entitled to the sum of $49.50 for his services to the Commonwealth therein, and immediately upon the passage of this resolution the Department of Finance is directed to draw a warrant in favor of Hager Watson in the amount aforesaid, and transmit the same to the State Treasurer, who shall issue a check in favor of Hager Watson in the amount of $49.50.

Ordered that said resolution be printed and referred.

Mr. Ruh arose and spoke to a point of personal privilege.

The Committees to which the same had previously been referred reported bills of the following titles, viz:

By Mr. Runyan of the Committee on Education No. 1.

H. B. No. 302. AN ACT relating to teachers' retirement allowances, increasing the minimum allowance and appropriating the necessary sums for that purpose.

H. B. No. 351. AN ACT relating to per diem and expenses allowed members of county boards of education, amending Section 160.280 of the Kentucky Revised Statutes.

By Mr. Hanratty of the Committee on Kentucky Statutes No. 1.

H. B. No. 282. AN ACT relating to court rules governing the practice of law and the State Bar, amending Section 30.170 of the Kentucky Revised Statutes.

H. B. No. 9. AN ACT relating to marriage licenses amending Section 402.080 of the Kentucky Revised Statutes.

H. B. No. 334. AN ACT relating to who may be present with the Grand Jury; and transcript of testimony and compensation allowed therefor, amending Section 110 Carroll's Kentucky Codes (Russell's Revision 1948).

H. B. No. 326. AN ACT relating to the terms of court in the Tenth Judicial District.

H. B. No. 78. AN ACT relating to credits, on qualifying examinations for public office of employment, for physically handicapped persons.

H. B. No. 332. AN ACT relating to the compensation of stenographic reporters in counties having a population of 150,000 or more, amending Section 28.440 of the Kentucky Revised Statutes.

S. B. No. 133. AN ACT authorizing and adding two additional judges for the Thirtieth Circuit Court District, embracing Jefferson County; establishing additional divisions of said circuit court; and providing for the appointment and election of the additional judges.

H. B. No. 271. AN ACT to establish a water pollution control commission and to control, prevent and abate pollution of the streams, lakes, ponds, and other surface or underground waters of the Commonwealth.

S. B. No. 134. AN ACT authorizing and adding one additional judge to the circuit court for the Twenty-Second Circuit District; establishing the divisions of said circuit court; providing for the appointment and election of the additional judge to said court; and providing for the manner in which said court shall be held and the business therein conducted.

H. B. No. 104. AN ACT relating to the exemption of personal property for widows and infant children.

By Mr. Steers of the Committee on Revenue and Taxation No. 1.

H. B. No. 256. AN ACT relating to the refund of the excise tax imposed upon gasoline and repealing, amending and re-enacting Section 138.354 of the Kentucky Revised Statutes.

By Mr. Wm. L. Jones of the Committee on Revenue and Taxation No. 1.

H. B. No. 45. AN ACT relating to school building funds, with particular reference to taxes for building fund purposes.

H. B. No. 257. AN ACT relating to the refund of the excise tax imposed upon gasoline and repealing, amending and re-enacting Section 138.344 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

My Runyan of the Committee on Education No. 1, to which the same had previously been referred, reported bills of the following titles, viz:

H. B. No. 269. AN ACT relating to the filling of vacancies on boards of education, amending Section 160.190 of the Kentucky Revised Statutes.

H. B. No. 188. AN ACT relating to the employment of persons by educational institutions receiving public funds.

With the expression of opinion that same should not pass.

No motion having been made to advance said bills to a first reading, the report of the Committee to the contrary not-

withstanding, and no further action having been taken on said bills, it was ordered that said bills be not read at length the first time and

So said bills were rejected.

Mr. William Jones of the Committee on Revenue and Taxation No. 1, to which the same had previously been referred, reported a bill of the following title, viz:

H. B. No. 163. AN ACT imposing a tax on the production of coal, and appropriating the revenue therefrom.

Without an expression of opinion.

Mr. Mackey moved that said bill be advanced to a first reading, the report of the Committee to the contrary notwithstanding.

The yeas and nays being taken thereon were as follows, viz:

Those who voted in the affirmative were—

John D. Beatty	Robert N. Hubbard	Fred H. Morgan
L. E. Bradley	Barkley Jones	Dr. C. E. Palmore
Charles W. Burnley	William Jones	Leonard W. Preston
R. Josh Cosby	A. L. (Chick) Love	John M. Spaulding
Owen Deering	True Mackey	Harry Lee Waterfield
Harold G. Helm	Damon Majors	Morris Weintraub
Maurice G. Howard	Jack McPherron	Charles W. Wirsch

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Those who voted in the negative were—

Bill Adams	Charles J. Bronston	Paul E. Hayes
Edgar Arnett	J. D. Buckman, Jr.	William K. Henry
Sidney Baer	Stanley Carter	E. R. Hilton
Clarence J. Barnum	Paul Combs	Ray Holbrook
C. E. Baumgardner	G. I. Drury	Woodrow W. Hollan
Leonard T. Bean	R. C. Estepp, Sr.	Chester J. Holsclaw
Fred Beshear	Henry C. Hale	W. M. Horn
R. O. Blevins	C. A. Hammons	Richard R. Houpt
Thomas L. Britton	George F. Harris	Durham W. Howard

Silas Jacobs	James H. Polsgrove	Roy Steers
Paul S. Jones	Carl J. Ruh	Raymond D. Stigall
James W. Lambert	Amos Runyan	Mrs. Thelma Stovall
Mrs. J. T. Linton	Dr. Roy Sanders	W. R. Stringer
John Martin	LeRoy Saylor	M. G. Thompson
Archie R. Moore	Gus Sheehan, Jr.	Rev. T. Herbert Tinsley
Walter R. Moorman	Forest Smith	
C. S. Nabb	Joseph T. Snapp	Fred M. Warns

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Whereupon, said motion was disagreed to.

No further action having been taken on said bill, it was ordered that said bill be not read at length the first time

And so said bill was rejected.

Mr. Hanratty moved that the vote by which said motion was disagreed to be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Barnum of the Committee on Cities of the First Class, to which the same had been referred, reported a bill of the following title, viz:

S. B. No. 111. AN ACT to amend, revise and re-enact Section 25.490 of the Kentucky Revised Statutes relating to clerks and deputy clerks of the quarterly courts in counties of 250,000 or more population, salaries therefor, fidelity bonds therefor and disposition of fees.

With the expression of opinion that said bill should pass.

Whereupon said bill was read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar a bill of the following title, viz:

H. B. No. 278. AN ACT relating to school taxes, by whom levied; amount of levy; when levy to be made; property subject to levy; furnishing of assessment valuation.

Ordered that said bill be read at length for the second time.

Mr. Hanratty moved that the Constitutional provision as to the second reading at length of said bill be dispensed with, and same be read for the second time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill having been dispensed with, said bill was read for the second time by its title only and

Ordered placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 253. AN ACT changing the classification of the City of Hazard, in Perry County.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Hazard, in Perry County, is such as to justify its being assigned to the third class of cities.

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Hazard, in Perry County, is transferred from the fourth to the third class of cities.

Mr. Combs moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Combs moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Thomas R. Duncan	Silas Jacobs
Bill Adams	R. C. Estepp, Sr.	Paul S. Jonas
Edgar Arnett	Mitchell S. Fannin	Barkley Jones
Sidney Baer	Henry C. Hale	William Jones
Clarence J. Barnum	Chester A. Hammons	James W. Lambert
C. E. Baumgardner	James P. Hanratty	Mrs. J. T. Linton
Leonard T. Bean	George F. Harris	Homer E. Losey
Fred Beshear	Paul E. Hayes	A. L. (Chick) Love
R. O. Blevins	Harold G. Helm	True Mackey
L. E. Bradley	William K. Henry	Damon Majors
Thomas L. Britton	E. R. Hilton	John Martin
Charles J. Bronston	Ray Holbrook	Jack McPherron
J. D. Buckman, Jr.	Woodrow W. Hollan	Emmett G. Moore
Mrs. M. E. Burnett	W. M. Horn	Walter R. Moorman
Charles W. Burnley	Richard R. Houpt	Fred H. Morgan
Paul Combs	Durham W. Howard	C. S. Nabb
R. Josh Cosby	Maurice G. Howard	Dr. C. E. Palmore
G. I. Drury	Robert N. Hubbard	Leonard W. Preston

Hobart Rayburn	Paul E. Shannon	W. R. Stringer
Carl J. Ruh	Gus Sheehan, Jr.	Egbert V. Taylor
Amos Runyan	Forest Smith	M. G. Thompson
Dr. Roy Sanders	Roy Steers	Fred M. Warns
LeRoy Saylor	Raymond D. Stigall	Lyle H. Webb
Roy Searcy	Mrs. Thelma Stovall	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 75. AN ACT changing the classification of the City of Somerset, in Pulaski County.

Said bill is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the City of Somerset, in Pulaski County, is such as to justify its being assigned to the third class of cities,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Somerset, in Pulaski County, is transferred from the fourth to the third class of cities.

Mr. Losey moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Losey moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	George F. Harris	Emmett G. Moore
Bill Adams	Paul E. Hayes	Walter R. Moorman
Edgar Arnett	Harold G. Helm	Fred H. Morgan
Sidney Baer	William K. Henry	C. S. Nabb
Clarence J. Barnum	E. R. Hilton	Dr. C. E. Palmore
C. E. Baumgardner	Ray Holbrook	Leonard W. Preston
Leonard T. Bean	Woodrow W. Hollan	Hobart Rayburn
Fred Beshear	W. M. Horn	Carl J. Ruh
R. O. Blevins	Richard R. Houpt	Amos Runyan
L. E. Bradley	Durham W. Howard	Dr. Roy Sanders
Thomas L. Britton	Maurice G. Howard	LeRoy Saylor
Charles J. Bronston	Robert N. Hubbard	Roy Searcy
J. D. Buckman, Jr.	Silas Jacobs	Paul E. Shannon
Mrs. M. E. Burnett	Paul S. Jonas	Gus Sheehan, Jr.
Charles W. Burnley	Barkley Jones	Forest Smith
Paul Combs	William Jones	Roy Steers
R. Josh Cosby	James W. Lambert	Raymond D. Stigall
G. I. Drury	Mrs. J. T. Linton	Mrs. Thelma Stovall
Thomas R. Duncan	Homer E. Losey	W. R. Stringer
R. C. Estepp, Sr.	A. L. (Chick) Love	Egbert V. Taylor
Mitchell S. Fannin	True Mackey	M. G. Thompson
Henry C. Hale	Damon Majors	Fred M. Warns
Chester A. Hammons	John Martin	Lyle H. Webb
James P. Hanratty	Jack McPherron	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Losey moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a resolution which originated in this body of the following title, viz:

H. Res. No. 17. A JOINT RESOLUTION providing for Homecoming Year in the Commonwealth of Kentucky in co-operation with the State Chamber of Commerce, and further providing that the Governor of the Commonwealth, may use from his emergency fund, within his discretion, such sums as may be deemed necessary to properly advertise and promote the "Homecoming Year"; and declaring an emergency.

With an amendment to said Resolution as proposed and adopted by the Senate.

Said amendment to said Resolution as proposed and adopted by the Senate is as follows:

Amend House Resolution No. 17 by adding after the words "April 29, 1750," and before the word "and" the following:

"and according to his Personal Diary, constructed the first house in Kentucky on Cumberland River near Barbourville, now a State Park."

(For Resolution H. J. of Feb. 6, 1950—ante.)

Mr. Hanratty moved that the House do now concur in said amendment to said Resolution as proposed and adopted by the Senate.

Said motion was agreed to, and

Thereupon, said amendment to said resolution as proposed and adopted by the Senate was agreed to.

Said resolution, having been engrossed, was then passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	George F. Harris	Walter R. Moorman
Sidney Baer	Paul E. Hayes	Fred H. Morgan
Clarence J. Barnum	Harold G. Helm	C. S. Nabb
C. E. Baumgardner	William K. Henry	Dr. C. E. Palmore
Leonard T. Bean	E. R. Hilton	Leonard W. Preston
Fred Beshear	Ray Holbrook	Hobart Rayburn
R. O. Blevins	Woodrow W. Hollan	Carl J. Ruh
L. E. Bradley	Richard R. Houpt	Amos Runyan
Thomas L. Britton	Durham W. Howard	LeRoy Saylor
Charles J. Bronston	Maurice G. Howard	Gus Sheehan, Jr.
J. D. Buckman, Jr.	Robert N. Hubbard	Forest Smith
Mrs. M. E. Burnett	Silas Jacobs	Roy Steers
Charles W. Burnley	Barkley Jones	Raymond D. Stigall
Stanley Carter	William Jones	W. R. Stringer
Paul Combs	James W. Lambert	Egbert V. Taylor
R. Josh Cosby	Mrs. J. T. Linton	Rev. T. Herbert Tinsley
G. I. Drury	Homer E. Losey	
Thomas R. Duncan	A. L. (Chick) Love	Fred M. Warns
R. C. Estepp, Sr.	True Mackey	Lyle H. Webb
Mitchell S. Fannin	Damon Majors	Morris Weintraub
Henry C. Hale	Jack McPherron	Charles W. Wirsch
C. A. Hammons	Emmett G. Moore	—64

Ordered that said resolution be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 115. AN ACT relating to animals running at large.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. No person shall permit any cattle owned by him or under his control or in his custody, to run at large.

Sec. 2. If any damage is committed by cattle permitted to run at large, the owner of the cattle shall be liable for all damages, whether the place where the damages occurred is enclosed by lawful fence or not. The person damaged shall have a lien on the cattle committing the damage for the amount of the damage and cost of suit.

Sec. 3. The sheriff or any other peace officer shall impound any cattle found running at large in the county, and the owner or bailee of the cattle shall pay to the officer impounding, for each head impounded, one dollar and the cost of feeding and taking care of the cattle, but the cost of impounding any number of cattle shall not exceed three dollars and the cost of feeding. The sheriff or any other peace officer shall have a lien on the cattle impounded for his fees and expenses, which he may enforce in the same manner in which mortgage liens are enforced.

Sec. 4. Nothing in this Act shall be construed as limiting any powers possessed by cities to regulate cattle running at large.

Sec. 5. Any person who violates Section 1 of this Act shall be fined not less than five dollars nor more than twenty-five dollars.

Sec. 6. Sections 259.010, 259.020, 159.030, 259,040, 259.050, 259.060, 259.070, 259.080, 259.090, 259.100, and subsection (1) of Section 259.990 of the Kentucky Revised Statutes are repealed.

Mr. Moorman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Moorman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul E. Hayes	Fred H. Morgan
Sidney Baer	Harold G. Helm	Dr. C. E. Palmore
Clarence J. Barnum	William K. Henry	Leonard W. Preston
C. E. Baumgardner	E. R. Hilton	Hobart Rayburn
Leonard T. Bean	Ray Holbrook	Carl J. Ruh
Fred Beshear	Woodrow W. Hollan	Amos Runyan
R. O. Blevins	Chester J. Holsclaw	Dr. Roy Sanders
L. E. Bradley	Richard R. Houpt	Paul E. Shannon
Thomas L. Britton	Robert N. Hubbard	Gus Sheehan, Jr.
J. D. Buckman, Jr.	Silas Jacobs	Forest Smith
Mrs. M. E. Burnett	Paul S. Jonas	Joseph T. Snapp
Charles W. Burnley	Barkley Jones	Roy Steers
Stanley Carter	Mrs. J. T. Linton	Raymond D. Stigall
R. Josh Cosby	Harry K. Lowman	W. R. Stringer
G. I. Drury	True Mackey	Egbert V. Taylor
R. C. Estepp, Sr.	Damon Majors	Rev. T. Herbert Tinsley
Mitchell S. Fannin	John Martin	
Henry C. Hale	Jack McPherron	Fred M. Warns
C. A. Hammons	Emmett G. Moore	Lyle H. Webb
James P. Hanratty	Walter R. Moorman	Charles W. Wirsch
George F. Harris		—60

Those who voted in the negative were—

Edgar Arnett	James W. Lambert	LeRoy Saylor
W. M. Horn	Homer E. Losey	Roy Searcy
Durham W. Howard	A. L. (Chick) Love	G. F. Williamson
William Jones		—10

Resolved that the title thereof be as aforesaid.

Mr. Moorman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 162. AN ACT relating to agricultural seeds; making provisions for the production, supplying, furnishing and distribution of seed stocks or foundation seeds, and including provisions for appropriation of funds therefore.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The Kentucky Agricultural Experiment Station shall carry on and extend the present program for development of improved crop varieties, acting through and in cooperation with Kentucky Seed Stocks, Inc., in the production, supplying, furnishing and distribution of seed stocks or foundation seeds. For this purpose there shall be available to the Kentucky Agricultural Experiment Station such sums as may from time to time be appropriated by the General Assembly for the purpose.

Sec. 2. For the purposes of this Act, there is hereby appropriated to the Kentucky Agricultural Experiment Station, out of the General Expenditure Fund in the State Treasury, the sum of $7,000 per year for each of the fiscal years 1950-1951 and 1951-1952.

Mr. Moorman moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Moorman moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul E. Hayes	Fred H. Morgan
Edgar Arnett	John A. Head	C. S. Nabb
Sidney Baer	Harold G. Helm	Dr. C. E. Palmore
Clarence J. Barnum	William K. Henry	James H. Polsgrove
C. E. Baumgardner	E. R. Hilton	Hobart Rayburn
Leonard T. Bean	Woodrow W. Hollan	W. R. Reasor
Fred Beshear	W. M. Horn	Carl J. Ruh
R. O. Blevins	Richard R. Houpt	Amos Runyan
L. E. Bradley	Durham W. Howard	LeRoy Saylor
Edward O. Bridgers	Maurice G. Howard	Roy Searcy
Thomas L. Britton	Robert N. Hubbard	Paul E. Shannon
Charles J. Bronston	Silas Jacobs	Gus Sheehan, Jr.
J. D. Buckman, Jr.	Paul S. Jonas	Forest Smith
Mrs. M. E. Burnett	Barkley Jones	Joseph T. Snapp
Charles W. Burnley	William Jones	John M. Spaulding
Stanley Carter	James W. Lambert	Roy Steers
Paul Combs	Mrs. J. T. Linton	Raymond D. Stigall
R. Josh Cosby	Homer E. Losey	Mrs. Thelma Stovall
G. I. Drury	A. L. (Chick) Love	W. R. Stringer
Thomas R. Duncan	True Mackey	Egbert V. Taylor
R. C. Estepp, Sr.	Damon Majors	Fred M. Warns
Mitchell S. Fannin	John Martin	Harry L. Waterfield
C. A. Hammons	Jack McPherron	Lyle H. Webb
James P. Hanratty	Emmett G. Moore	G. F. Williamson
George F. Harris	Walter R. Moorman	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Moorman moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 129. AN ACT imposing a penalty for removing or altering serial numbers on farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.640 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who cuts off, defaces, or in any other manner removes or alters any serial number placed by the manufacturer, for identification purposes, on the motor or chassis of an automobile or truck, or on the motor or frame of, or attachments to, a farm tractor or other unit of farm equipment or machinery, shall be imprisoned in the penitentiary for not less than one year nor more than five years.

(2) The ownership, possession or control of an automobile or truck, or of a farm tractor or other unit of farm equipment or machinery on which any motor, chassis, frame or other serial number has been altered, defaced or removed, shall be prima facie evidence that the altering, defacing or removing was done by the person owning, possessing or having control of the automobile or truck, or farm tractor or other unit of farm equipment or machinery.

Mr. Baer moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Waterfield moved that the vote by which the Previous Question was agreed to be reconsidered

Said motion was agreed to.

Thereafter, such reconsideration.

Mr. Preston moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 213. AN ACT to protect the blind and incapacitated pedestrians on public streets and highways; requiring vehicles to come to a full stop in certain cases; restricting the use of certain colored canes by other pedestrians; and imposing penalties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. It is unlawful for any person, unless totally or partially blind or otherwise incapacitated, while on any public street or highway, to carry in a raised or extended position a cane or walking stick which is white in color or white in color and tipped with red.

Sec. 2. Whenever a pedestrian is crossing or attempting to cross a public street or highway, guided by a guide dog or carrying in a raised or extended position a cane or walking stick which is white in color or white in color and tipped with red, the driver of every vehicle approaching the intersection, or place where

such pedestrian is attempting to cross, shall bring his vehicle to a full stop before arriving at such intersection or place of crossing, and before proceeding shall take such precautions as may be necessary to avoid injuring such pedestrian.

Sec. 3. Nothing contained in this act shall be construed to deprive any totally or partially blind or otherwise incapacitated person, not carrying such a cane or walking stick or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways, nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a guide dog upon the streets, highways or sidewalks of this Commonwealth, be held to constitute nor be evidence of contributory negligence.

Sec. 4. Any person who violates any provision of this act, shall upon conviction thereof, be fined not exceeding twenty-five dollars ($25).

Mr. Stringer moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Williamson moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	William K. Henry	C. S. Nabb
Edgar Arnett	E. R. Hilton	Dr. C. E. Palmore
Sidney Baer	Ray Holbrook	James H. Polsgrove
Clarence J. Barnum	Woodrow W. Hollan	Hobart Rayburn
C. E. Baumgardner	Chester J. Holsclaw	W. R. Reasor
Leonard T. Bean	Richard R. Houpt	Carl J. Ruh
Fred Beshear	Durham W. Howard	Amos Runyan
R. O. Blevins	Maurice G. Howard	Dr. Roy Sanders
L. E. Bradley	Silas Jacobs	LeRoy Saylor
Thomas L. Britton	Paul S. Jonas	Roy Searcy
Charles J. Bronston	Barkley Jones	Paul E. Shannon
Mrs. M. E. Burnett	William Jones	Gus Sheehan, Jr.
Charles W. Burnley	James W. Lambert	Forest Smith
Stanley Carter	Mrs. J. T. Linton	Joseph T. Snapp
R. Josh Cosby	Homer E. Losey	Roy Steers
G. I. Drury	A. L. (Chick) Love	Raymond D. Stigall
Thomas R. Duncan	True Mackey	Mrs. Thelma Stovall
R. C. Estepp, Sr.	Damon Majors	W. R. Stringer
Mitchell S. Fannin	John Martin	Egbert V. Taylor
Henry C. Hale	Jack McPherron	Fred M. Warns
C. A. Hammons	Archie R. Moore	Harry Lee Waterfield
George F. Harris	Emmett G. Moore	Lyle H. Webb
Paul E. Hayes	Walter R. Moorman	G. F. Williamson
John A. Head	Fred H. Morgan	Charles W. Wirsch
Harold G. Helm		

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Resolved that the title thereof be as aforesaid.

Mr. Stringer moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 172. AN ACT changing the classification of the city of Owingsville, in Bath County.

Mr. Hayes moved that further consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 183. AN ACT changing the classification of the City of Martin, in Floyd County, and declaring an emergency.

Said bill is as follows, Viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Martin, in Floyd County, is such as to justify its being assigned to the fourth class of cities;

Now therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The City of Martin, in Floyd County, is transferred from the sixth class to the fourth class of cities.

Sec. 2. Whereas, the reclassification of the City of Martin is necessary to enable the city to finance needed improvements of its streets and sewers, all of which are essential to the public health and welfare of the state, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Hayes moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hayes moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	George F. Harris	Emmett G. Moore
Edgar Arnett	Paul E. Hayes	Walter R. Moorman
Sidney Baer	John A. Head	Fred H. Morgan
Clarence J. Barnum	William K. Henry	C. S. Nabb
C. E. Baumgardner	Ray Holbrook	Dr. C. E. Palmore
Leonard T. Bean	Woodrow W. Hollan	James H. Polsgrove
Fred Beshear	Chester J. Holsclaw	Hobart Rayburn
R. O. Blevins	W. M. Horn	W. R. Reasor
L. E. Bradley	Richard R. Houpt	Carl J. Ruh
Thomas L. Britton	Durham W. Howard	Amos Runyan
Charles J. Bronston	Maurice G. Howard	Dr. Roy Sanders
J. D. Buckman, Jr.	Robert N. Hubbard	LeRoy Saylor
Mrs. M. E. Burnett	Paul S. Jonas	Paul E. Shannon
Charles W. Burnley	James W. Lambert	Gus Sheehan, Jr.
Stanley Carter	Mrs. J. T. Linton	Joseph T. Snapp
Paul Combs	Homer E. Losey	Raymond D. Stigall
R. Josh Cosby	A. L. (Chick) Love	Egbert V. Taylor
G. I. Drury	True Mackey	Fred M. Warns
Mitchell S. Fannin	Damon Majors	Lyle H. Webb
Henry C. Hale	John Martin	G. F. Williamson
C. A. Hammons	Jack McPherron	Charles W. Wirsch
James P. Hanratty	Archie R. Moore	—65

Resolved that the title thereof be as aforesaid.

Mr. Hayes moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 72. AN ACT changing the classification of the City of Cumberland in Harlan County.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Cumberland, in Harlan County, is such as to justify its being assigned to the fourth class of cities,

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Cumberland, in Harlan County, is transferred from the fifth to the fourth class of cities.

Mr. Durham W. Howard moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Durham W. Howard moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Thomas R. Duncan	Jack McPherron
Bill Adams	R. C. Estepp, Sr.	Archie R. Moore
Edgar Arnett	Mitchell S. Fannin	Emmett G. Moore
Sidney Baer	Henry C. Hale	Walter R. Moorman
Clarence J. Barnum	C. A. Hammons	Fred H. Morgan
C. E. Baumgardner	Paul E. Hayes	James H. Polsgrove
Leonard T. Bean	Ray Holbrook	Carl J. Ruh
Fred Beshear	Woodrow W. Hollan	Paul E. Shannon
R. O. Blevins	Chester J. Holsclaw	Gus Sheehan, Jr.
L. E. Bradley	W. M. Horn	Joseph T. Snapp
Charles J. Bronston	Durham W. Howard	Raymond D. Stigall
J. D. Buckman, Jr.	Maurice G. Howard	Mrs. Thelma Stovall
Mrs. M. E. Burnett	Paul S. Jonas	W. R. Stringer
Charles W. Burnley	Barkley Jones	Egbert V. Taylor
Stanley Carter	A. L. (Chick) Love	Fred M. Warns
Paul Combs	True Mackey	G. F. Williamson
R. Josh Cosby	Damon Majors	Charles W. Wirsch
G. I. Drury	John Martin	—53

Those who voted in the negative were—

John A. Head	James W. Lambert	Amos Runyan
Harold G. Helm	Homer E. Losey	LeRoy Saylor
E. R. Hilton	Dr. C. E. Palmore	Roy Searcy
Robert N. Hubbard	Leonard W. Preston	Forest Smith
Silas Jacobs		—13

Resolved that the title thereof be as aforesaid.

Mr. Durham W. Howard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Martin moved that the rules be suspended for the purpose of making a motion.

Said motion was agreed to by a majority of the members elected.

Mr. Martin moved that this House do now extend a vote of confidence to the officers and employees of this House.

Said motion was agreed to.

Thereupon, the membership of the House stood and extended its vote of confidence to the officers and employees of this House.

Mr. Losey moved that the rules be suspended for the purpose of offering a resolution.

Said motion was agreed to by a majority of the members elected.

Thereupon, Mr. Losey offered the following resolution, viz:

H. Res. No. 50. A RESOLUTION inviting the Honorable John Sherman Cooper to address the House of Representatives.

WHEREAS, our fair Commonwealth is fortunate in the number of outstanding citizens it has produced, and

WHEREAS, Kentucky has contributed one of its outstanding citizens to the American Delegation of the United Nations,

WHEREAS, this delegate from Kentucky, John Sherman Cooper, has made a record which brings distinction to our Commonwealth, and

WHEREAS, the said John Sherman Cooper is now in the confines of our fair Commonwealth, and

WHEREAS, we, the members of the House of Representatives of the General Assembly of Kentucky, are deeply appreciative of the services which the Honorable John Sherman Cooper is rendering this Commonwealth, this nation, and the United Nations,

NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESNTATIVES OF THE COMMONWEALTH OF KENTUCKY:

1st. We commend the said John Sherman Cooper for his contributions to the United Nations, and

2nd. That we invite the said John Sherman Cooper to address this body on the subject of the United Nations, and

3rd. That the Senate be invited to attend the session at which John Sherman Cooper will be a guest of the House of Representatives, and

4th. The Clerk of the House is instructed to contact John Sherman Cooper and ascertain a time when he could address this body, and

BE IT FURTHER RESOLVED THAT:

A Copy of this Resolution shall be spread on the Journal of this House, a copy sent to the Kentucky Senate and that the above mentioned, John Sherman Cooper, be sent a copy of the Resolution.

Said resolution was adopted.

The Speaker announced that he had referred bills and resolutions heretofore introduced or reported as follows, viz:

H. B. No. 356—Committee on Cities of First Class
H. B. No. 357—Committee on Education No. 1
H. B. No. 358—Committee on Kentucky Statutes No. 1
H. B. No. 359—Committee on Suffrage and Elections
H. B. No. 360—Committee on Kentucky Statutes No. 1
H. B. No. 361—Committee on Education No. 1
H. B. No. 362—Committee on Kentucky Statutes No. 1
H. B. No. 363—Committee on Cities of Second Class

H. Res. No. 44—Committee on Legislative Research
H. Res. No. 45—Committee on State Parks
H. Res. No. 46—Committee on Claims
S. B. No. 108—Committee on Roads and Highways
S. B. No. 118—Committee on Public Ditches
S. B. No. 125—Committee on Kentucky Statutes No. 2
S. B. No. 127—Committee on Cities of First Class
S. B. No. 146—Committee on Cities of Third Class.
S. Res. No. 12—Committee on Claims
S. Res. No. 15—Committee on Claims
S. Res. No. 20—Committee on Claims
S. Res. No. 21—Committee on Claims
S. Res. No. 23—Committee on Claims
S. Res. No. 24—Committee on Claims
S. Res. No. 26—Committee on Claims

Mr. Hanratty moved that the House do now adjourn to meet again at 1 o'clock, p.m., Thursday, February 23, 1950.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, FEBRUARY 23, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by the Reverend H. Glenn Stephens, pastor of the South Frankfort Presbyterian Church, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams	Sidney Baer	John D. Beatty
Bill Adams	Clarence J. Barnum	Fred Beshear
Edgar Arnett	C. E. Baumgardner	R. O. Blevins

L. E. Bradley
Edward O. Bridgers
Thomas L. Britton
Charles J. Bronston
J. D. Buckman, Jr.
Mrs. M. E. Burnett
Charles W. Burnley
Alex Calvert
Stanley Carter
Paul Combs
R. Josh Cosby
B. H. Crider
Owen Deering
G. I. Drury
Thomas R. Duncan
R. C. Estepp, Sr.
Mitchell S. Fannin
Henry C. Hale
C. A. Hammons
James P. Hanratty
George F. Harris
Paul E. Hayes
John A. Head
Harold G. Helm
William K. Henry
E. R. Hilton
Ray Holbrook
Woodrow W. Hollan
Chester J. Holsclaw
W. M. Horn
Richard R. Houpt
Durham W. Howard
Maurice G. Howard
Robert N. Hubbard
Silas Jacobs
Paul S. Jonas
Barkley Jones
William Jones
James W. Lambert
Mrs. J. T. Linton
Homer E. Losey
A. L. (Chick) Love
Harry K. Lowman
True Mackey
Damon Majors
John Martin
William T. Marshall
G. Lee McClain
Jack McPherron
Archie R. Moore
Emmett G. Moore
Walter R. Moorman
Fred H. Morgan
C. S. Nabb
Dr. C. E. Palmore
James H. Polsgrove
Leonard W. Preston
Hobart Rayburn
W. R. Reasor
Carl J. Ruh
Amos Runyan
Dr. Roy Sanders
Roy Searcy
LeRoy Saylor
Paul E. Shannon
James S. Shaw
Gus Sheehan, Jr.
Jesse H. Shelton
Forest Smith
Joseph T. Snapp
John M. Spaulding
J. Claude Stacy
Roy Steers
Raymond D. Stigall
Mrs. Thelma Stovall
W. R. Stringer
Egbert V. Taylor
M. G. Thompson
Rev. T. H. Tinsley
Ralph N. Walter
Fred M. Warns
Harry Lee Waterfield
Morris Weintraub
G. F. Williamson
Charles W. Wirsch
Adron Doran,
Speaker

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Mr. Harris moved that the reading of the Journal of the proceedings of Tuesday, February 21, 1950, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Hanratty moved that the House take up from the Clerk's desk for immediate consideration a bill of the following title, viz:

H. B. No. 270. AN ACT relating to revenue and taxation.

Said motion was agreed to, and

Thereupon, the House took up for immediate consideration said bill.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definitions.

(a) "Coin Machine" or "Coin operated amusement and vending machine" shall mean and include any lawful coin or token operated machine or device which contains no element of chance and which as a result of depositing a coin, token or other object automatically by or through some mechanical operation affords music or amusement of some character with or without vending any merchandise, but in addition to any such merchandise. Such coin operated amusement and vending machine shall not include any bona fide merchandise vending machines in which there is incorporated no amusement features.

(b) "Token" shall include chips, checks or other articles which may be used to operate a coin machine.

(c) "Department" shall mean the Department of Revenue.

(d) "License Stamp" shall mean any permanently fixed stamp evidencing payment of the tax, and prescribed by regulation of the Department.

(e) "Person" shall include an individual or an unincorporated association, including a partnership, a limited partnership, or any other form of unincorporated enterprise owned by two or more individuals, or a corporation. Whenever used in any clause prescribing and imposing a fine or imprisonment, or both, the term "person," as applied to a partnership, limited partnership, or any form of unincorporated enterprise, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

Section 2. The administration of this Act is hereby vested in the Department of Revenue, subject to KRS 131.130 and other provisions of law relating to the Department.

Section 3. Licenses required under this Act shall be procured by the owner of the coin machine provided, however, any operator, lessee, or other person, or their agents, or receivers, shall be jointly and severally liable with the owner for procuring the license. The license shall be in the nature of an excise tax for the privilege of engaging in the business of selling entertainment or amusement, or a combination of merchandise, entertainment or amusement, by means of coin machines and shall be based on the number of machines which such person shall operate, permit to be operated, or use for gain. No person shall operate, permit to be operated, or use for gain any coin operated amusement and vending machine unless and until a license is secured as provided in this Act and unless a license stamp receipt evidencing payment of the tax is permanently fixed to and on such coin machine in such manner as the Department may by regulation prescribe. No person shall operate, permit to be operated, or use for gain any such coin machine which does not have on its face instructions as to its operation and what the user of the machine will receive for his purchase. Nothing in this Act shall be construed to legalize the operation of any coin machine otherwise unlawful, and neither the payment of the tax nor the fixing of a license stamp receipt on an illegal machine shall be a bar to prosecution for such illegal possession or operation. Nothing in this Act shall apply to any coin machine when such machine is kept in a regular place of business of distributors or manufacturers, without being operated, for sale or lease only. Nor shall this Act be construed as authorizing or legalizing such manufacturer or other person to operate for gain such lawful coin machine without license, nor to have in their possession or offer for sale illegal coin machines.

Section 4. Applications for any license stamps or receipts provided for in this Act shall be made in writing to the Department at its offices in Frankfort, Kentucky, on forms prescribed and furnished by the Department and shall be accompanied by a sworn affidavit that the operation of the coin machines for which license applications are being made is not otherwise prohibited by law.

Section 5. The Department of Revenue shall issue licenses upon coin operated amusement and vending machines to any

person making application therefor as set out herein upon the payment of a tax of ten dollars ($10.00) per annum.

Section 6. All licenses issued under this Act shall be obtained on or before July 1, and shall expire on the following June 30, of each year; provided, however, any person may procure a license to be effective only between January 1 and June 30 of any year by paying therefor a sum equal to one-half of the annual license fee required herein.

Section 7. Any person required to secure a license and to pay a tax under this Act who shall fail to secure the license and pay the tax at the time required herein shall pay a penalty of twenty per cent (20%) of the amount of the tax due and in addition thereto interest at the rate of one-half of one per cent (½ of 1%) per month on the principal amount of the tax during the period in which the tax is due and unpaid.

Section 8. Every municipal corporation of the Commonwealth is hereby authorized and empowered to levy a tax on coin machines as defined and provided in this Act; provided, however, that any license tax so imposed by a municipal corporation shall not exceed in amount the taxes herein provided for state purposes, except that cities of the first class may levy taxes equal to twice the amount of the state taxes herein provided.

Section 9. Whoever violates any of the provisions of this Act shall, upon conviction thereof, be fined not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00). Whoever attaches or causes to be attached to a coin machine any fictitious evidence of tax payment purported to be issued by the Department, or a counterfeit thereof, shall upon conviction thereof be fined not less than One Thousand Dollars ($1,000.00), and each separate fictitious counterfeit license stamp or receipt so attached or used on a coin machine shall constitute a separate and distinct offense.

Section 10. All moneys and revenues received under the provisions of this Act shall be paid into the State Treasury to the credit of the General Fund.

Section 11. Should any section or any other part of this Act be declared unconstitutional, it shall not affect the constitutionality of the remaining portions thereof.

Section 12. KRS Sections 137.260, 137.270, 137.280, 137.290, 137.300, 137.310, 137.320, 137.330, subsection (3) of 137.010 and subsection (6) of 137.990 are repealed.

Section 13. Whereas experience has demonstrated that KRS Sections 137.260 to 137.330, subsection (3) of 137.010 and subsection (6) of 137.990 are rife with unresolved legal questions and in the light of these, it is impossible to administer the taxes equitably or without unreasonable expense and effort; therefore, an emergency is declared, and this act shall become effective upon approval by the Governor.

Mr. Morgan moved the Previous Question.

Whereupon, the Speaker announced, "'Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	John A. Head	Dr. C. E. Palmore
Bill Adams	Harold G. Helm	James H. Polsgrove
Edgar Arnett	E. R. Hilton	Leonard W. Preston
Sidney Baer	Ray Holbrook	Hobart Rayburn
Clarence J. Barnum	Woodrow W. Hollan	W. R. Reasor
C. E. Baumgardner	Chester J. Holsclaw	Carl J. Ruh
John D. Beatty	W. M. Horn	Amos Runyan
Fred Beshear	Richard R. Houpt	Roy Searcy
R. O. Blevins	Maurice G. Howard	Paul E. Shannon
L. E. Bradley	Robert N. Hubbard	James S. Shaw
Edward O. Bridgers	Silas Jacobs	Gus Sheehan, Jr.
Charles J. Bronston	Paul S. Jonas	Jesse H. Shelton
Mrs. M. E. Burnett	Barkley Jones	Forest Smith
Charles W. Burnley	William Jones	John M. Spaulding
Alex Calvert	James W. Lambert	Roy Steers
Stanley Carter	Mrs. J. T. Linton	Raymond D. Stigall
Paul Combs	Homer E. Losey	Mrs. Thelma Stovall
R. Josh Cosby	A. L. (Chick) Love	W. R. Stringer
B. H. Crider	Harry K. Lowman	Egbert V. Taylor
Owen Deering	True Mackey	M. G. Thompson
G. I. Drury	Damon Majors	Rev. T. H. Tinsley
Thomas R. Duncan	John Martin	Ralph N. Walter
R. C. Estepp, Sr.	William T. Marshall	Fred M. Warns
Mitchell S. Fannin	Emmett G. Moore	Harry Lee Waterfield
Henry C. Hale	Walter R. Moorman	Morris Weintraub
C. A. Hammons	Fred H. Morgan	G. F. Williamson
James P. Hanratty	C. S. Nabb	Charles W. Wirsch
George F. Harris		—82

Those who voted in the negative were—

William K. Henry	Jack McPherron	J. Claude Stacy

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Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a resolution of the following title, viz:

H. Res. No. 17. A JOINT RESOLUTION providing for Homecoming Year in the Commonwealth of Kentucky in cooperation with the State Chamber of Commerce, and further providing that the Governor of the Commonwealth may use from his emergency fund, within his discretion, such sums as may be deemed necessary to properly advertise and promote the "Homecoming Year"; and declaring an emergency.

Thereupon, all other business was suspended, said resolution was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said resolution to the Senate.

Mr. Britton moved that the rules be suspended for the purpose of making a motion.

The yeas and nays being required thereon by Mr. Britton and Mr. Preston were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Henry C. Hale	C. S. Nabb
Edgar Arnett	C. A. Hammons	Dr. C. E. Palmore
Walter J. Bailey	George F. Harris	Leonard W. Preston
John D. Beatty	Harold G. Helm	Hobart Rayburn
Thomas L. Britton	Maurice G. Howard	James S. Shaw
J. D. Buckman, Jr.	James W. Lambert	Roy Steers
Stanley Carter	A. L. (Chick) Love	Egbert V. Taylor
Paul Combs	John Martin	Fred M. Warns
B. H. Crider	William T. Marshall	Harry Lee Waterfield
Owen Deering	Jack McPherron	Morris Weintraub
G. I. Drury	Archie R. Moore	Charles W. Wirsch
R. C. Estepp, Sr.	Fred H. Morgan	—35

Those who voted in the negative were—

Bernam Adams	Charles J. Bronston	John A. Head
Clarence J. Barnum	Alex Calvert	William K. Henry
C. E. Baumgardner	R. Josh Cosby	E. R. Hilton
Fred Beshear	James P. Hanratty	Ray Holbrook
Edward O. Bridgers	Paul E. Hayes	Woodrow W. Hollan

Chester J. Holsclaw	Emmett G. Moore	Gus Sheehan, Jr.
W. M. Horn	Walter R. Moorman	Jesse H. Shelton
Richard R. Houpt	W. R. Reasor	Forest Smith
Silas Jacobs	Carl J. Ruh	John M. Spaulding
Paul S. Jonas	Dr. Roy Sanders	J. Claude Stacy
Barkley Jones	Roy Searcy	M. G. Thompson
William Jones	Paul E. Shannon	G. F. Williamson
Homer E. Losey		

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Thereupon said motion was disagreed to.

Mrs. Burnett moved that the rules be suspended and the privilege of the floor extended to Mayor Mooney of Lexington, Kentucky; Messrs. Fugazzi, Faulkner, Sannier, all of Lexington.

Said motion was unanimously agreed to.

Mr. Drury moved that the rules be suspended and the privilege of the floor extended to Mr. Dewey Henry.

Said motion was unanimously agreed to.

Mr. Deering moved that the rules be suspended and the privilege of the floor extended to County Judge F. E. Hardesty, County Chairman J. P. Glascock, Mr. Bert Hodgen and Mr. E. Whitlock.

Said motion was unanimously agreed to.

Mr. Fannin moved that the rules be suspended and the privilege of the floor extended to Messrs. C. D. Harmon and Webb Warmon.

Said motion was unanimously agreed to.

Mr. Hanratty moved that the rules be suspended and the privilege of the floor extended to Mr. Harry Bell.

Said motion was unanimously agreed to.

Mr. Hayes moved that the rules be suspended and the privilege of the floor extended to Sheriff Banner Mead and Tax Commissioner Cleve Akers, of Prestonsburg, Kentucky.

Said motion was unanimously agreed to.

Mr. Harris moved that the rules be suspended and the privilege of the floor extended to Messrs. W. S. Farley, Louis Bradley, J. W. Clarke and Estill Hibbs.

Said motion was unanimously agreed to.

Mr. Hale moved that the rules be suspended and the privilege of the floor extended to Mr. Woodrow W. Burchett, County Attorney and Hon. Henry Stumbo, County Judge, Prestonsburg, Kentucky.

Said motion was unanimously agreed to.

Mr. Lowman moved that the rules be suspended and the privilege of the floor extended to Mr. Charles Yates and Mr. Harry King.

Said motion was unanimously agreed to.

Mr. McPherron moved that the rules be suspended and the privilege of the floor extended to Miss Thelma Holbrook and Messrs. Hubert Holbrook and Charles Kelly.

Said motion was unanimously agreed to.

Mr. Polsgrove moved that the rules be suspended and the privilege of the floor extended to Mr. Geo. H. Esselman.

Said motion was unanimously agreed to.

Mr. Smith moved that the rules be suspended and the privilege of the floor extended to Mr. Adams of Mercer County.

Said motion was unanimously agreed to.

Mr. Wirsch moved that the rules be suspended and the privilege of the floor extended to W. C. Daken.

Said motion was unanimously agreed to.

Dr. Sanders moved that the rules be suspended and the privilege of the floor extended to Mr. Carson Hibbitts.

Said motion was unanimously agreed to.

Bills of the following titles were introduced, viz:

By Mr. Doran.

H. B. No. 389. AN ACT relating to the training and certification of public school personnel.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 161.040, Kentucky Revised Statutes, hereby is amended by repealing said Section in its entirety and re-enacting said Section so that as re-enacted it will read as follows, to-wit:

No person shall receive or hold any certificate who does not present evidence of good moral character or who is under eighteen (18) years of age.

2. Sections 161.050, 161.060, 161.070, 161.080, and 161.090 of the Kentucky Revised Statutes hereby are repealed. The validity of any certificate which is in force on June 30, 1950 shall not be impaired by the provisions of this Act and such certificate shall be issued, renewed or extended in accordance with the terms of the law applying at the date of issue of such certificate.

3. Section 161.130 of the Kentucky Revised Statutes hereby is amended by repealing said Section in its entirety and re-enacting said Section so that as re-enacted, it will read as follows, to-wit:

A fee of four dollars ($4) shall be paid for each certificate valid for three or more years, and a fee of two dollars ($2) for each renewal thereof and for each emergency certificate.

All fees collected under this Section shall be paid into the State Treasury through the Department of Finance and shall be credited to an Agency Fund Account for the Department of Education under the provisions of Section 45.140 of the Kentucky Revised Statutes and shall be withdrawn or expended as provided in said Section.

WHEREAS it is necessary for the State Department of Education to adjust its procedures, forms, blanks, and regulations in accordance with this Act before July 1, an emergency is hereby declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

By Messrs. Bill Adams and Combs.

H. B. No. 390. AN ACT relating to the registration of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (1) of Section 186.055 of the Kentucky Revised Statutes is amended to read as follows:

All motor vehicles registered under subsection (3) of KRS 186.050, except one truck owned by any person and except motor vehicles taxed under KRS 281.480, wherein the gross weight exceeds 18,000 pounds shall pay an additional fee as follows:

GROSS WEIGHT	WEIGHT FEE
18001-21000	$ 67.00
21001-24000	84.00
24001-27000	97.00
27001-30000	113.00
30001-33000	130.00
33001-36000	148.00
36001-39000	170.00
39001-42000	200.00

By Mr. Maurice G. Howard.

H. B. No. 391. AN ACT relating to greyhound racing, including provisions for licenses, regulations, penalties and taxes, and the disposition of the revenue accruing from the taxes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, unless the context requires otherwise:

(a) "Association" includes incorporated as well as unincorporated associations; and

(b) "Commission" means "Greyhound Racing Commission."

Sec. 2. The Greyhound Racing Commission shall be an agency independent of state administrative departments.

(2) The Commission shall consist of three persons appointed by the Governor, no two of whom shall be members of the same racing association. The members of the commission shall hold their offices for a term of four years. The first members shall be appointed within twenty days after the effective date of this Act.

(3) The commission shall biennially make a full report to the General Assembly of its proceedings for the two-year period ending December 1 preceding the meeting of the General Assembly, and shall embody in the report such suggestions and recommendations as it deems desirable.

Sec. 3. (1) The Governor shall appoint a secretary of the commission, for a term of not exceeding four years.

(2) The secretary shall keep a full record of the proceedings of the commission, preserve at its general office all books, maps, documents and papers entrusted to the commission, and perform such other duties as the commission prescribes.

(3) The secretary shall receive an annual salary, to be fixed by the commission, which shall be paid by proportionate contributions of the several racing associations licensed by the commission. The commission, on or before December 1 of each year, shall assess upon each racing association its just proportion of the salary of the secretary.

Sec. 4. (1) The commission may prescribe the regulations and conditions under which greyhound races shall be conducted in this state.

(2) An association desiring to conduct greyhound races may annually apply to the commission for a license. If in the judgment of the commission a proper case for issuance is shown, it may grant the license for a term of one year. Every license shall contain a condition that all races or race meetings conducted under it shall be subject to the regulations and conditions from time to time prescribed by the commission.

(3) A license shall be revocable by the commission for any violation of it or whenever the continuance of the license is deemed by the commission not conducive to the interests of legitimate racing. If a license is refused or revoked the commission shall publicly state its reasons for the refusal or revocation and those reasons shall be written in full in the minute book of the commission, which shall at all times be subject to inspection by anyone desiring to inspect it. A refusal of the commission to grant to any racing association a license, or to assign any racing association at least forty days in each year, if desired for racing at the track of the association, and the revocation of the license of any association shall be subject to judicial review.

Sec. 5. (1) No greyhound race shall be conducted except by an association licensed by the commission.

(2) No person shall operate or participate in any greyhound race meeting at which racing is permitted for a prize or stake, unless the race meeting has been licensed under Section 4 of this Act.

(3) Every greyhound race not licensed under section 4 of this Act is a public nuisance, and the commission may obtain an

injunction against it, in the circuit court of the county where the unlicensed race is proposed to take place.

Sec. 6. (1) An association formed for the purpose of racing and breeding or improving the breed of greyhounds and conducting contest of speed may hold one or more running race meetings between April 1 and December 1 of each year.

(2) At such meetings the association or the owners of the greyhounds engaged in the races, or others that are not participants in the racing, may contribute prizes or stakes to be contested for, but no person other than the owner of a greyhound contesting in a race shall have any pecuniary interest in a prize or stake contested for in that race or be entitled to, or receive, any portion of the prize or stake after the race has been finished. The whole of the prize or stake shall be allotted in accordance with the terms of the race.

(3) Running races may be held only between the hours of 7 p.m. and midnight, and at no other time.

Sec. 7. No person shall knowingly enter or cause to be entered for competition, or compete, for a prize or stake, any greyhound, under an assumed name, or out of its proper class, where the prize or stake is to be decided by a contest of speed.

Sec. 8. (1) No person shall change the name of any greyhound for the purpose of entry for competition in any contest of speed, after the greyhound has once contested for a prize or stake, except as provided by the code of rules of the association under which the contest is advertised to be conducted.

(2) The class to which a greyhound belongs, for the purpose of an entry in any contest of speed, shall be determined by the public performance of that greyhound in any former contest or trial of speed, as provided by the rules of the association under which the proposed contest is advertised to be conducted.

(3) No person shall knowingly misrepresent or fraudulently conceal the public performance in any former contest, or trial of speed, of any greyhound that he proposes to enter in a contest, whether the greyhound is actually entered or not.

Sec. 9. No official timer at any race shall announce willfully and falsely a slower or faster time than that actually accomplished by a greyhound, when the result of that race is to constitute a record.

Sec. 10. (1) Any person who violates subsection (2) of Section 5 of this Act shall be fined not less than five hundred nor more than one thousand dollars for each day of the meeting or racing.

(2) Any person who violates section 7 of this Act or subsection (3) of Section 8 of this Act shall be fined no more than one thousand dollars or imprisoned in the penitentiary for not less than one year nor more than two years, or both.

(3) Any person who violates section 9 of this Act shall, for each offense, be fined not more than five hundred dollars, or imprisoned for not more than six months, or both fined and imprisoned.

Sec. 11. An excise tax is imposed on every person, corporation or association which operates a greyhound race track at which betting is conducted through a pari-mutuel or other similar system. The tax shall be an amount equal to five percent of the total amount of all money deposited in pari-mutuel pools or similar pools (including any pool such as a daily double pool, even though tickets sold for such a pool are not vended by a mechanical or electrical device nor the totals of such a pool computed and determined by a totalizator.)

Sec. 12. The tax imposed under Section 11 of this Act shall be collected and administered in the same manner as the tax imposed by KRS 138.510 is collected and administered, and the same penalties shall apply to the tax imposed by Section 11 of this Act as are applied to the tax imposed by KRS 138.510, except that all duties exercised by the Kentucky State Racing Commission with regard to the tax imposed by KRS 138.510 shall be exercised by the Greyhound Racing Commission with regard to the tax imposed by Section 11 of this Act.

Sec. 13. Section 137.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every person engaged in the business of conducting a race track at which races are fun for stakes, purses or prizes, under the jurisidction of the State Racing Commission, or the Greyhound Racing Commission shall pay a license tax to the state as provided in subsections (2) and (3) of this section.

(2) Any such horse race track located within a county with a population of two hundred thousand or over shall pay for each day upon which races are conducted at such track for any stake, purse or prize a license tax of twenty-five hundred dollars per day. Any such horse race track located within a county having a population of not less than one hundred thousand and not more than two hundred thousand shall pay for each day upon which races are conducted at such track for any stake, purse or prize a license tax of one thousand dollars per day. Any such horse race track located in any other county shall pay for each day upon which races are conducted for any stake, purse or prize a license tax of five hundred dollars per day.

(3) Any such greyhound race track located within a county with a population of two hundred thousand or over shall pay for each day upon which races are conducted at such track for any stake, purse or prize a license tax of one thousand dollars per day. Any such greyhound race track located within a county having a population of not less than one hundred thousand and not more than two hundred thousand shall pay for each day upon which races are conducted at such track for any stake, purse or prize a license tax of seven hundred and fifty dollars per day. Any such greyhound race track located in any other county shall pay for each day upon which races are conducted for any stake, purse or prize a license tax of five hundred dollars per day.

Sec. 14. Section 137.190 of the Kentucky Revised Statutes is amended to read as follows:

The license taxes imposed by KRS 137.170, the admission taxes imposed by KRS 138.480 and the state taxes imposed by KRS 138.510 to 138.550 and section 11 of the 1950 Act by which this sections was amended, on pari-mutuel systems of betting, shall be in lieu of all other license, excise, special or franchise taxes to the state or any county, city or other political subdivision.

No county, city or other political subdivision may levy any license, income, excise, special or franchise tax on any such person or corporation engaged in the business of conducting a race track at which races are conducted for stakes, purses or prizes, or on the operation or maintenance of any pari-mutuel machine or similar device, or on the money or amount of money handled by or through any pari-mutuel machine or similar device or on the sale of any merchandise during the conducting or races thereon by any such person or corporation.,

Sec. 15. Section 138.480 of the Kentucky Revised Statutes is amended to read as follows:

Each person entering the grounds or enclosure of any race track at which a race meeting is being conducted under the jurisdiction of the State Racing Commission or the Greyhound Racing Commission, for the purpose of attending the races or for any other purpose connected therewith, shall pay a tax of fifteen cents to the state, except as otherwise provided in this section. If tickets good for more than one day are issued, the sum of fifteen cents shall be paid by each person using such ticket on each day that it is used. No admission tax shall be collected from any of the employes of the race track, or any of the owners or trainers of horses or greyhounds, or jockeys, or their employes. The admission tax provided for in this section shall be collected by the race track from each person on entering the race track or enclosure on a paid or free admission. The race track shall account to and pay to the state the money so collected.

Sec. 16. Section 436.480 of the Kentucky Revised Statutes is amended to read as follows:

KRS 436.440 to 436.470 shall not apply to enclosures during regular race meetings or enclosures in which horse racing is being conducted under license from the State Racing Commission, or greyhound racing is being conducted under license from the Greyhound Racing Commission, or to enclosures during regular race meetings in which trotting and pacing races are being conducted by associations regularly organized for that purpose.

Sec. 17. The revenue accruing under section 11, subsection (3) of section 13 and so much as accrues from the tax on admissions to greyhound race tracks under section 15 of this Act shall be paid into the State Treasury and credited to the General Expenditure Fund. All such revenue credited to the General Expenditure Fund for the fiscal years of 1950-51 and 1951-52 is hereby appropriated to the Common School Per Capita Fund for those fiscal years except that four percent of such revenue is appropriated to the Teachers' Retirement Fund for those fiscal year.

By Messrs. Buckman, Spaulding, Burnley, Morgan and William Jones.

H. B. No. 392. AN ACT relating to county and community fairs, amending Section 247.220 and repealing Section 247.230 of the Kentucky Revised Statutes and making an appropriation.

Said bill is as follows, viz:

WHEREAS, it is a well recognized fact that the county and community fair is one of the most colorful, honored and revered institutions in the American way of life, and

WHEREAS, it is a well-proven fact that the county and community fair is one of the most important and successful mediums for promoting improvement in livestock and farm products generally, for bringing about continued improvement in the rural way of life, and in fostering closer association of urban and rural folk with a consequential better understanding between them, and

WHEREAS, in recognition of the vital role the county and community fair portrays in community life, it is the established policy of many of the states to grant substantial financial aid to county and community fairs in order to guarantee and foster their continued existence; and

WHEREAS, in Kentucky the county and community fair is rapidly losing its vitality and faces possible extinction in the near future;

NOW THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 247.220 of the Kentucky Revised Statutes is amended to read as follows:

(1) The Commissioner of Agriculture, on the recommendation of the Kentucky Association of Fairs and Horse Shows, Inc., shall make grants of state funds to qualified county and community fairs to be used by them to pay premium awards for exhibits and displays of domestic livestock, household products, farm crops and other related exhibits and displays. The grant of state funds made to any fair shall be in an amount equal the sum the fair itself contributes toward premium awards for those exhibits and displays heretofore set out, but in no event shall the grant to any fair for any one calendar year exceed two thousand, five hundred dollars. The premiums actually awarded shall conform to those appearing on the premiums list issued by the county fair.

(2) In order to qualify for a grant of state funds a county or community fair shall obtain the approval of and recommendation by the Kentucky Association of Fairs and Horse Shows, Inc., which approval and recommendation may be given only if the fair:

(a) Provides in it by-laws for the holding of an annual fair running for at least three days,

(b) Presents, through the medium of youth organizations such as 4-H Clubs, Future Farmers of America and other similar organizations, an educational program concerning the production and marketing of livestock and other farm products, home economics and other related subjects, and

(c) Complies with all other rules and regulations which the association is hereby authorized to promulgate.

(3) Any county or community fair receiving a grant of state funds shall file with the Kentucky Association of Fairs and Horse Shows, Inc., by December 1 of the year in which the

grant is received, satisfactory proof that all premium awards, as advertised, have been paid and a financial report prepared by a certified public accountant.

Sec. 2. There is hereby appropriated out of the General Expenditure Fund in the State Treasury for the fiscal years of 1950-51 and 1951-52 a sum, not exceeding $75,000 for each fiscal year, sufficient to cary out the provisions of KRS 247.220.

Sec. 3. Section 247.230 of the Kentucky Revised Statutes is repealed.

By Mr. Spaulding.

H. B. No. 393. AN ACT relating to exemption from taxes of public projects acquired under KRS 58.010 and 58.140 and of all fees charged or collected from the use of such public projects and for admission to attractions or events presented therein.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All property that a city acquires under the provisions of KRS 58.010 to 58.140 for the establishment and maintenance of a public project shall be exempt from taxation to the same extent as other property used for public purposes. Likewise all fees charged or collected for the use of such a public project and for admission to any attraction or event presented therein by the city or any instrumentality thereof shall be exempt from taxation. This exemption shall apply to any and all attractions or events so presented and shall apply whether or not such attractions or events be considered presented in the performance of a governmental function in the performance of a proprietary function.

By Mr. Majors.

H. B. No. 394. AN ACT relating to game and fish amending Sections 150.330 and 150.370 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 150.330 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild birds except during the open season prescribed by the division for the particular species. The open season for quail may be between December 1 and February 1 only, but shall not exceed a total of forty-five days, consecutive or otherwise. There shall be no open season for wild turkey. No person shall take quail, ruffed grouse or native pheasant except from sunrise to sunset.

(2) No person shall take, pursue, possess, transport, purchase or sell or attempt so to do, any migratory birds, except as authorized by the Migratory Bird Treaty Act (40 Stat. 755) and regulations under it. No person over sixteen years of age shall hunt any wild ducks, geese or brant unless at the time, in addition to the appropriate state hunting license, he has on his person a valid migratory bird hunting stamp of current issue as required by the Migratory Bird Hunting Stamp Act (48 Stat. 451) as amended.

Sec. 2. Section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species as prescribed by the division. The open season for rabbits may be between December 1 and February 1 only, but shall not exceed a total of forty-five days, consecutive or otherwise. The open season for mink, opossum, raccoon, skunk, muskrat and red fox may be between November 1 and February 15 only, but shall not exceed a total of sixty days, consecutive or otherwise, except that the division may allow an additional thirty days in which opossum and raccoon may be hunted and taken by dog only. The open season for squirrel may be between August 1 and January 1 only, but shall not exceed a total of ninety days, consecutive or otherwise. The open season for

pond, bull or jumbo frogs shall be such period as the division may prescribe. There shall be no open season for otter or beaver.

(2) Subsection (1) shall not apply to persons who hunt red fox at night with dogs for sport and not to kill; but this exception in favor of sportsmen shall not extend to anyone engaged in the business of a fur dealer or a trapper or professional hunter.

(3) The possession of any wild animals, fur bearers, or the raw fur thereof, when the season is not open, shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to posssesion of any such animal or fur by a trapper during the open season as prescribed by the division and fifteen days thereafter, or by a fur buyer during the open season and twenty days thereafter.

By Mr. Losey.

H. B. No. 395. AN ACT empowering justices of the peace to serve on county road committees and providing for payment of a per diem therefor, amending subsection (3) of Section 67.110 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (3) of Section 67.110 of the Kentucky Revised Statutes is amended to read as follows:

County commissioners or justices of the peace shall not receive any other compensation for their services or any compensation for serving on committees of the fiscal court except that in counties where the fiscal court controls and supervises the county roads through a committee of its members, the justices of the peace serving on that committee shall be paid out of the county treasury ten dollars for each day of actual service; but no justice of the peace shall receive such per diem for more than three days in any one calendar month.

By Mrs. Burnett and Messrs. Head, Burnley, Sheehan, Jr., Weintraub, Shannon, Morgan and Spaulding.

H. B. No. 396. AN ACT relating to the annexation or reduction of unincorporated territory by cities of the second class and repealing Section 81.140, the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever it is deemed desirable to annex any unincorporated territory to any city of the second class or to reduce the boundaries thereof, the legislative body thereof may enact an ordinance defining the boundary of the territory proposed to be annexed or stricken off, and such ordinance shall thereupon be published in at least five issues of a daily paper published in such city; or if there is no daily paper, then in at least two issues of a weekly paper published in the city; or if there be no daily or weekly paper published in such city, then by posting copies of the ordinance for at least ten (10) days in four public places in the territory to be annexed or stricken off. In not less than thirty days after the enactment of such ordinance, if the publication or notice, as herein provided, has been made or given, and no petition is filed in the circuit court as provided in the next session, the legislative body of the city may, by ordinance, annex to the city the territory described in the ordinance hereinebfore mentioned, or reduce the limits, as the case may be; and upon the enactment of such ordinance, such territory shall become a part of the city, or shall be stricken therefrom.

Section 2. Within thirty days after the enactment of an ordinance proposing to annex territory to the city or reduce the limits thereof, twenty-five (25%) per cent of the resident freeholders of the territory proposed to be annexed or stricken off may file a petition in the circuit court of the county, setting forth the reasons why such territory or any part thereof should not be annexed, or why the limits should not be reduced. Summons shall be issued thereon, and be executed on the chief executive officer of the city as in other cases, and the answer of the city shall

be filed within twenty days after the service of the summons. The case shall be tried as an equity case and without the intervention of a jury. If the court is satisfied, upon the hearing, that less than fifty per cent of the resident freeholders of the territory to be annexed or stricken off have remonstrated, or that the adding or striking off of such territory to the city will be for the interest of the city and will cause no material injury to the owners of real estate in the territory sought to be annexed or stricken off, it shall so find and the annexation or reduction shall be approved. If the court is satisfied that more than fifty per cent of the resident freeholders of the territory sought to be annexed or stricken off have remonstrated and that said change will cause material injury to the owners of real estate in the limits of the proposed extension or reduction, then the annexation or reduction shall not take place, unless the court shall find from the evidence that a failure to annex or strike off will materially retard the prosperity of such city. In case the court shall so find, the annexation or reduction shall take place notwithstanding the remonstrance. An appeal from the judgment of the court may be taken, as in other cases, but there shall be no change of venue from the county. Costs shall follow the judgment. If the judgment of the court is to adverse to annexation or reduction no further effort to annex or strike off such territory shall be made within two years after the rendition of the judgment. But any judgment rendered adverse to annexation, under any previous law, shall not be a bar to proceedings to annex under this Act regardless of the time it was rendered. When any unincorporated territory is proposed to be annexed to or stricken from any city under the provisions of this Act, the court may find and decree that all or part or parts of such territory shall be added to the city, in which event the court shall specifically indicate and prescribe by metes and bounds, or other clear and specified description, the territory which the court finds should be so annexed or stricken and that part only shall be annexed or stricken.

Section 3. The judgment shall, when entered, be certified to the legislative body of the city, who may thereupon annex to or strike from such city the territory described in the judgment,

and the territory shall become or cease to become, as the case may be, a part of the city.

Section 4. Section 81.140 of the Kentucky Revised Statutes is hereby repealed.

By Mr. Fannin.

H. B. No. 397. AN ACT relating to the licensing of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every manufacturer of, or dealer in, motor vehicles in this state shall register with each county clerk in which his principal office or place of business and any branch office or subagent or agency is located, and pay an annual registration fee of thirty dollars to each clerk. Upon the receipt of this fee, the clerk shall issue to the manufacturer or dealer a certificate of registration and one dealer's plate. Dealer's plates may be used only for the purpose of demonstrating motor vehicles for the purpose of sale by a member of the firm registered or employe of the firm and for the private uses of the dealer and the immediate members of his family.

(2) Each manufacturer and dealer when making application for dealer's plates shall file a verified statement with the clerk, giving the name and address of each member of the firm and each bona fide salesman or employe entitled to the use of the plates for demonstration purposes only. When any bona fide salesman or employe so registered is no longer in the employ of the firm, an amended verified statement shall be filed with the clerk showing that fact, and when any additional salesman or employes are employed, an amended verified statement showing their names and addresses shall be filed with the clerk so that

the records in the clerk's office will at all times show the bona fide salesmen and employes actually in the service of the registered dealer or manufacturer.

By Mr. Hubbard.

H. B. No. 398. AN ACT relating to and providing for payment of prior year claims against the State.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION ONE. (1) Any claim against any agency, department or budget unit not presented or encumbered for payment within the fiscal year in which the obligation was incurred may, after determination by the Commissioner of Finance, be found to be valid claim against the Commonwealth, and may be authorized for payment out of the appropriation for the prior year claims, provided that the agency, department, or budget unit had an available balance sufficient to pay the obligation at the close of the fiscal year in which the obligation was incurred. All claims authorized to be paid under this section shall be limited to those incurred during the preceding fiscal year, and the total of such claims paid for any one agency, department or budget unit shall not exceed the available balance remaining to the credit of such agency, department or budget unit at the close of the fiscal year in which the obligations were incurred.

(2) Any claim authorized and paid under this section for an obligation incurred by any agency, department or budget unit having a trust and agency fund account from which account such an expenditure is authorized by law shall be charged against the balance remaining in such trust and agency fund account.

(3) There is hereby appropriated out of the General Expenditure Fund to the Department of Finance for the payment of prior year claims the following amounts for the following fiscal years:

1950-51 ----------$ 5,000.00
1951-52 ----------$ 5,000.00

(4) There is hereby appropriated out of the state road fund to the Department of Highways for the payment of prior year claims the following amounts for the following fiscal years:

1950-51 ----------$75,000.00
1951-52 ----------$75,000.00

By Mr. Emmett G. Moore.

H. B. No. 399. AN ACT relating to the fees of sheriffs.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In addition to all other fees, the sheriff shall be paid from the state treasury a fee of fifty cents for each juror summoned by him for service in circuit court. In criminal actions in which the defendant is convicted the defendant and in civil proceedings the party against whom judgment is rendered shall pay such fee to be taxed as costs and paid into the state treasury.

By Mr. Bernam Adams.

H. B. No. 400. AN ACT imposing a tax on the manufacture of sheet metal, and appropriating the revenue therefrom.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. No person shall operate a rolling mill in this state for the manufacture of sheet metal for sale or exchange on a commercial basis unless he has obtained from the Department of Revenue a permit to engage in the business of manufacturing sheet metal. At the time of the issuance of the permit he shall

pay to the state, through the Department of Revenue, a tax of two cents for each square foot of sheet metal for which the permit is issued. The permit shall authorize the manufacture of as many square feet of sheet metal as is named in the permit, and upon such number of square feet being manufactured such person shall not further operate the rolling mill until he has obtained further permits for such additional square feet as he desires to manufacture, and has paid the tax of two cents for each square foot of sheet metal for which such further permits are issued.

Sec. 2. The Department of Revenue shall have authority to promulgate such regulations as it may deem necessary for the enforcement of this Act and shall have the power, through its agents and representatives, to inspect the books, records and premises of all persons operating roller mills in this state.

Sec. 3. Any person who violates any of the provisions of Section 1 of this Act shall be fined not less than five hundred dollars nor more than one thousand dollars. Any person who manufactures sheet metal without first obtaining the permit required by Section 1 of this Act and paying the tax imposed by that section shall also be civilly liable for the taxes due and for a penalty of twenty percent of the amount of taxes due.

Sec. 4. The revenue derived from this Act shall be paid into the State Treasury, and the amount so paid in during each fiscal year is appropriated to the Common School Per Capita Fund for each such year, for payment and increase of the monthly salaries of teachers and for no other purpose.

By Mr. Burnley.

H. B. No. 401. AN ACT relating to the reappraisal for ad valorem taxes in cities, counties and other taxing districts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 132.670 of the Kentucky Revised Statutes is amended to read as follows:

Whenever a city or county by order of its legislative body petitions the department for a reappraisal of the properties therein and the department after investigation determines that a reappraisal is necessary, the department shall, according to the comparative need therefor, provide personnel and other assistance to aid the city assessor or county tax commissioner in accomplishing this result. The Department of Revenue shall prescribe methods and specifications for the reappraisal of property. Personnel authorized to assist in making a city or county reappraisal under this section may be given the same authority as a deputy tax commisisoner or deputy city assessor. Cities, counties and other taxing districts may make appropriations from their general funds to share expenses incurred for such purposes by the department or for the purpose of employing other assistance in conducting such reappraisal projects.

By Mr. Houpt.

H. B. No. 402. AN ACT relating to the licensing of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 186.040 of the Kentucky Revised Statutes is amended to read as follows:

Upon filing application and paying the fee as provided by law, said owner shall be given a receipt containing the registration number and the information included in the application and a plate bearing said number for the registration year 1950 and two plates bearing said number for the registration year 1951 and thereafter. For services performed the owner shall pay the County Clerk the sum of fifty cents for each registration in addition to the registration fee.

Sec. 2. Section 186.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) The owner shall have the receipt issued by the department through the clerk constantly in his possession, and he shall display the plate issued to him for the registration year 1950 conspicuously on the rear of said motor vehicle and the plates issued to him for the registration year 1951 and thereafter conspicuously upon the front and rear of said motor vehicle. Plates shall be kept legible at all times and the rear plate shall be kept illuminated when the vehicle is being operated during the hours designated in KRS 189.030

(2) The registration plates for any year shall be displayed until December 31 of that year, it being the legislative intent that the registration year shall be from January 1 to December 31, but may be displayed on any motor vehicle, by the person owning the same on December 31, until midnight the first day of March of the year following that for which they were issued except as otherwise provided by this chapter, nor shall registration plates of the succeeding year be displayed before December 29 of said year.

By Mr. Barkley Jones.

H. B. No. 403. AN ACT relating to open season for wild animals.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 150.370 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species as prescribed by the division. The open season for rabbits may be between November 1 and February 1 only, but shall not exceed a total of sixty days, consecutive or otherwise. The open season for mink, opossum, raccoon, skunk and muskrat may be between November 1 and February 15 only, but shall not exceed a total of sixty days, consecutive or otherwise, except

that the division may allow an additional thirty days in which opossum and raccoon may be hunted and taken by dog only. The open season for squirrel may be between August 1 and January 1 only, but shall not exceed a total of ninety days, consecutive or otherwise. The open season for pond, bull or jumbo frogs shall be such period as the division may prescribe. There shall be no open season for otter or beaver. There shall be no closed season for red fox.

(2) The possession of any wild animals, fur bearers, or the raw fur thereof, when the season is not open, shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to possession of any such animal or fur by a trapper during the open season as prescribed by the division and fifteen days thereafter, or by a fur buyer during the open season and twenty days thereafter.

Sec. 2. Whereas, the red fox is a constant menace to poultry and livestock and is, by its destruction of such poultry and livestock, inflicting untold loss on the farmers of the Common wealth, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Lambert.

H. B. No. 404. AN ACT relating to gambling devices, amending Section 436.230 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 436.230 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who, with or without compensation, sets up, keeps, manages, operates or conducts or assists in setting up, keeping, managing, operating or conducting a keno bank, faro bank or other machine or contrivance used in betting whereby money or anything of value may be won or lost, or any person who, for compensation, percentage or commission, sets up, keeps,

manages, operates or conducts a game of cards, oontz or craps, whereby money or anything of value may be won or lost or, with or without compensation, percentage or commission, assists in setting up, carrying on, managing, operating or conducting any game so set up, carried on, managed, operated or conducted for compensation, percentage or commission, shall be fined five hundred dollars, and confined in the penitentiary for not less than one nor more than three years. In addition, he shall be deemed infamous after conviction, and be forever disqualified from exercising the right of suffrage and from holding any state, county or city office of honor, trust or county or city office of honor, trust or profit. The judgment of conviction shall recite such infamy and disqualification, and shall not be valid without the recital.

(2) Subsection (1) of this section shall not apply to persons who play at such games, machines or contrivances, unless they aid or take other part in setting up, conducting, keeping, managing or operating them.

(3) The change of the name of any of the games, banks, tables, machines or contrivances prohibited by subsection (1) of this section shall not prevent the conviction of any person violating the provisions of that subsection.

(4) Subsection (1) of this section shall not apply to persons who sell combination or French pools on any regular race track during the races on that track. An indictment for a violation of the provisions of subsection (1) of this section may charge the accused in one count with any or all of the offenses mentioned or included in that subsection.

(5) Subsection (1) of this section shall not apply to persons who set up, keep, manage, operate or conduct or assist in setting up, keeping, managing, operating or conducting any machine or mechanical contrivance on which a player thereof pits his skill against the machine or mechanical device with the only possible prize or winning being the opportunity to continue to pit his skill against the machine or mechanical device without the depositing of additional money, and this exception shall apply only when the machine or mechanical contrivance is used in the manner and for the purpose set out in this subsection.

Ordered that said bills be printed and referred.

Resolutions of the following titles were introduced, viz:

By Mr. William Jones.

H. Res. No. 51. A JOINT RESOLUTION authorizing W. C. Sisk, of Caldwell County, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That W. C. Sisk, of Caldwell County, is authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Caldwell Circuit Court, for damages resulting from personal injury, property damage, loss of time, medical expenses and permanent disability caused by alleged negligence on the part of an employe of the Commonwealth of Kentucky and the Department of Highways while said employe was acting within the scope of his employment.

Said suit shall be for a sum not in excess of $2,165.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the road fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part

of the Commonwealth and this resolution shall not be introduced in evidence for either party nor commented upon by counsel in argument to the jury.

By Messrs. Rayburn and Burnley.

H. Res. No. 52. A RESOLUTION authorizing the payment to the estate of Clarence Miller, deceased, of a claim of said Clarence Miller for expenses incurerd as Commissioner of Finance of the Commonwealth of Kentucky, and appropriating the necessary sum to pay said claim out of the General Fund.

Said resolution is as follows, viz:

WHEREAS Clarence Miller as Commissioner of Finance did employ counsel to represent him in certain actions pending against him in the Franklin Circuit Court being Actions Nos. 33842 and 33843 therein, and;

WHEREAS said Clarence Miller, Commissioner of Finance, thereby incurred a liability in the amount of One Thousand, Five Hundred, Fifty-three ($1,533.43) Dollars and Forty-three Cents as necessary attorney fees and costs in said action, and;

WHEREAS said Clarence Miller is now deceased and executors of his estate have been properly qualified as required by law;

NOW THEREFORE

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the General Fund the sum of One Thousand, Five Hundred Fifty-three ($1,533.43) Dollars and Forty-three Cents for the purpose of paying to the estate of Clarence Miller, deceased, the claim of said Clarence Miller for expenses of attorney fees and court costs necessarily incurred by him during his lifetime in the defense in Actions Nos. 33842 and 33843 on the docket of the Franklin Circuit Court, and which claim is identified by the title of this resolu-

tion, and said contract of employment entered into on the 25th day of May, 1945, is approved, and the Department of Finance is directed to draw its warrant upon the State Treasurer in favor of the estate of Clarence Miller for said sum of One Thousand, Five Hundred, Fifty three ($1,553.43) Dollars and Forty-three Cents, and the State Treasurer is directed to honor said warrant and issue his check to the estate of Clarence Miller for said sum of One Thousand, Five Hundred, Fifty-three ($1,553.43) Dollars and Forty-three Cents payable out of the General Fund.

By Mr. Holbrook.

H. Res. No. 53. A JOINT RESOLUTION authorizing John Clay Salyer, an infant, by his guardian, Richmond Salyer, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That John Clay Salyer, an infant, by his guardian, Richmond Salyer, is authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Magoffin Circuit Court, for damages from personal injuries and medical expenses caused by alleged negligence on the part of an employe of the Commonwealth of Kentucky and the Department of Highways while said employe was acting within the scope of his employment.

Said suit shall be for a sum not in excess of $5,000.

The Attorney General of the Commonwealth of Kentucky may investigate the claim herein and settle same before or after suit is filed if he deems it advisable.

Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the road fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced in evidence for either party nor commented upon by counsel in argument to the jury.

Ordered that said resolutions be printed and referred.

The Committees to which the same had been referred reported bills and resolutions of the following titles, viz:

By Mr. Williamson of the Committee on Claims.

H. Res. No. 38. A RESOLUTION authorizing James Miller to sue the Commonwealth of Kentucky, the Department of Highways, or both.

By Mrs. Linton of the Committee on Kentucky Statutes No. 2.

H. B. No. 349. AN ACT relating to the practice of optometry, amending Section 311.010 and repealing Sections 311.140 to 311.240 of the Kentucky Revised Statutes, and creating new sections of the Kentucky Revised Statutes.

H. B. No. 65. AN ACT amending Section 29.390 of the Kentucky Revised Statutes, relating to the compensation of jurors.

By Mr. Sheehan of the Committee on Cities of the Second Class.

H. B. No. 248. AN ACT to amend Section 95.495 of the Kentucky Revised Statutes; pertaining to the hours of work and annual leave for members of police departments, cities of the second class.

By Mr. Hubbard of the Committee on Fish and Game.

H. B. No. 236. AN ACT to amend Chapter 150 of the Kentucky Revised Statutes of 1948, to abolish the Division of Game and Fish, to provide for the establishment of a Department of Fish and Wild Life Resources and to provide for the conservation of wild animals, wild birds, fish and amphibians.

By Mr. Williamson of the Committee on Claims.

S. Res. No. 17. A JOINT RESOLUTION authorizing and directing the payment of the claims of J. E. Hutchins, Judge Pro-Tem of the Police Court of Louisville, Jefferson County, Kentucky, for fees allowed and payable by virtue of Section 64.220 Kentucky Revised Statutes, while holding examining trials in felony charges from August 31, 1948, to and including June 29, 1949.

S. Res. No. 13. RESOLUTION authorizing the personal representative of Otha Martin, deceased, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either of them.

H. Res. No. 7. A JOINT RESOLUTION authorizing Mr. Cassius Stone, of Gradyville, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. Res. No. 11. A JOINT RESOLUTION authorizing the payment of pauper idiot claims.

H. Res. No. 43. A JOINT RESOLUTION authorizing Clayton Whitaker and Cora A. Whitaker, of Rockcastle County, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. Res. No. 32. A JOINT RESOLUTION authorizing and directing the payment of the sum of $1899.00 to C. B. Wilson, for salary due him and expenses incurred by him as deputy sheriff of Woodford County, Kentucky, and appropriating that sum from the State Treasury.

H. Res. No. 42. A JOINT RESOLUTION authorizing W. A. "Bud" Mitchell, Administrator of the estate of Julius Cummins, deceased, to sue the Commonwealth of Kentucky and the Department of Welfare, or either.

H. Res. No. 46. A JOINT RESOLUTION authorizing J. E. Carter and Lena Carter, of Breckinridge County, to sue the Commonwealth of Kentucky.

H. Res. No. 23. A JOINT RESOLUTION authorizing and directing the payment of a claim of Teddy C. Decker, of Pulaski County, Kentucky.

H. Res. No. 35. A JOINT RESOLUTION authorizing Walter Payne of Knox County to sue the Department of Welfare and the Commonwealth of Kentucky, or either.

By Mr. Hanratty of the Committee on Kentucky Statutes No. 1.

H. B. No. 362. AN ACT relating to service of process in actions for annulment of marriage.

S. B. No. 29. AN ACT relating to public records and the indexing thereof, amending Section 382.205 of the Kentucky Revised Statutes.

S. B. No. 104. AN ACT relating to the publication and distributions of the opinions of the Court of Appeals.

By Mr. Head of the Committee on Public Health.

H. B. No. 228. AN ACT relating to the licensing, inspection, and regulation of hospitals as herein defined, which includes, without limitation, hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick; providing for a licensing agency and prescribing the powers; creating a hospital council and prescribing its powers; providing minimum standards, enforcement procedures, penalties and appropriations.

With a Committee amendment thereto.

Said Committee amendment to said bill is as follows, viz:

Amend printed copy of House Bill No. 229 on page 14, section six, line 280 after the word, "denomination", by adding the following:

Be it further provided that none of the provisions of this act or of any rule or regulation adopted pursuant thereto shall apply to Chiropractic Hospital or Clinic owned or operated by a Chiropractor or Chiropractors in this state.

By Mr. Beshear of the Committee on Conservation.

H. B. No. 293. AN ACT relating to strip or open pit mining, and the conservation of natural resources as affected thereby.

With Committee amendment thereto by way of substitute therefor.

Said Committee amendment to said bill by way of substitute therefor is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. (1) The General Assembly finds that in many instances and under some circumstances and conditions the mining of coal by the strip or open pit method causes soil erosion, stream pollution, the accumulation of stagnant water and the seepage of contaminated water, increases the likelihood of floods, destroys the value of land for agricultural purposes, counteracts efforts for the conservation of soil, water and other natural resources, destroys or impairs the property rights of citizens, creates fire hazards, and in general creates hazards dangerous to life and property, so as to constitute an imminent and inordinate peril to the welfare of the Commonwealth. The General Assembly further finds that there are wide variations in the circumstances and conditions surrounding and arising out of the mining of coal by the strip or open pit method, due primarily to differences in topographical and geological conditions, and by reason thereof it is necessary, in order to provide the most effective, beneficial

and equitable solution to the problem, that a broad discretion be vested in the authority designated to administer and enforce the regulatory provisions enacted by the General Assembly. The General Assembly further finds that other commercial activities involving the removal of minerals and other natural substances other than coal from the earth by strip or open pit methods occasionally cause conditions or create results of the character enumerated above, but that no imminent or inordinate peril presently exists by reason thereof. Therefore, it is the purpose of this Act to provide such regulation and control of the mining of coal by the strip or open pit method as to minimize its injurious effects as much as may be reasonably possible, without at the same time placing an unreasonable burden on the business of recovering coal by the strip or open pit method, it being found by the General Assembly that this method of recovering coal permits and assists the conservation and recovery of coal which would not otherwise be recoverable.

(2) It is hereby declared to be the policy of the Commonwealth of Kentucky to encourage the recovery of coal by strip or open pit mining, it being recognized that strip or open pit mining permits the recovery of coal not recoverable by other methods of mining, and it shall be the duty of the Commission to administer this Act in a reasonable and practical manner and in such manner as to cause no unreasonable hardship upon the operators of strip mining plants and the Commission shall take into consideration the value of the lands on which such strip operations have been or are to be conducted as they were or are before the begininng of such operations for agricultural and timber purposes and the actual value of such lands shall always be compared by the Commission with the amount required to comply with the maximum requirements of this Act, the primary purpose of this Act being to protect adjoining land owners from unreasonable hardships in connection with such operations.

Sec. 2. There hereby is created a "Strip Mining and Reclamation Commission," which shall constitute an independent agency of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes, and which shall be composed of the Commissioner of Conservation, serving as chairman, the Chief of the Department of Mines and Minerals,

and the Director of Strip Mining and Reclamation provided for in Section 3 of this Act. The members of the commission, other than the Director of Strip Mining and Reclamation, shall receive no compensation for their services on the commission, but shall be reimbursed for their actual and necessary expenses incurred in performing their functions. The commission shall meet from time to time on the call of the chairman or of the Director of Strip Mining and Reclamation.

Sec. 3. The Director of Strip Mining and Reclamation shall be appointed by the Governor for a term not to exceed four years. The director shall receive a salary to be fixed by the Governor, and shall be reimbursed for actual and necessary expenses incurred in the performance of his duties. He shall be the executive officer of the commission and shall have supervision of the commission staff. The commission shall have power to employ such personnel as may be required to carry out the purposes of this Act. However, the services and facilities of other state agencies, within the scope of their regular functions, shall be utilized as far as possible to minimize the personnel requirements of this Act.

Sec. 4. The Strip Mining and Reclamation Commission shall prescribe reasonable rules and regulations within the scope of this Act to accomplish the purposes of the Act, but no such rule or regulation shall require of any permit holder any work or duty not specified in Section 6 hereof. Any member of the commission or any employe delegated by the director shall have the right to enter upon any premises where strip or open pit mining of coal is being conducted or has been conducted for the purpose of inspection or enforcement.

Sec. 5. (1) Except as provided in subsection (5) of this section, no person, after sixty days from the effective date of this Act, shall engage in the mining of coal by the strip or open pit method, as a principal or operator or proprietor of the operation, without first having obtained from the Strip Mining and Reclamation Commission a permit therefor, designating the acreage upon which the operation is authorized to be conducted, and no operation shall be conducted upon any land other than that covered by a permit.

(2) The person desiring a permit shall file an application stating:

(a) The location and area of the land to be covered by the permit as shown on a map or plat filed with the application. The area covered by the permit shall include only the land containing the coal to be mined and recovered.

(b) The owner or owners of the surface of the land.

(c) The owner or owners of the coal to be mined.

(d) The source of the applicant's legal right to enter and mine the coal on the land to be covered by the permit.

(e) The permanent and temporary post office addresses of the applicant.

(f) Whether the applicant holds any other permits under this Act and an identification thereof.

(3) Before a permit is issued the applicant shall file with the commission a bond payable to the Commonwealth, with satisfactory security in the penal sum of not less than fifty dollars for each acre or fraction thereof to be covered by the permit conditioned for the faithful performance of the requirements set forth in Section 6 of this Act. The Commission may require bond to be in a penal sum in excess of fifty dollars as may be deemed necessary to accomplish the purpose for which the bond is required, taking into consideration the character and suitable use of the land involved, its fair market value and the estimated cost of complying with the provisions of Section 6 of this Act, but the total bond shall not exceed the sum of fifty dollars or twice the fair market value of the face of the land to be stripped for each acre or fraction thereof to be covered by the permit whichever is the greater amount.

(4) Upon the filing of a proper application and bond, and upon payment by the applicant of a basis fee of fifty dollars, the commission shall issue the requested permit.

(5) This Act shall not apply to any operator who produces, through the mining of coal by the strip or open pit method, less than 250 tons of coal in any twelve-month period, and this Act shall not apply to any operator who produces and mines coal by the strip or open pit method as an incident to the construction of tram roads, entries to underground workings and other im-

provements and preparation for mining coal by other than the open pit or strip method.

Sec. 6. Within the time specified in Section 7 of this Act, any person who has carried on strip or open pit mining operations under a permit issued pursuant to this Act shall:

(1) When practicable cover the face of the coal.

(2) Seal off, with an earth fill, any break-through to underground workings in the coal.

(3) To the extent required by regulation of the Strip Mining and Reclamation Commission, drain the surface involved in the mining operation, and provide such outlets as may be necessary to conduct storm and seepage waters from the surface to a permanent stream or stream bed with as little erosion as possible.

(4) Remove all metal, lumber and other foreign refuse resulting from the operation.

(5) In the case of lands which, prior to the mining operation, were suitable for agricultural or grazing purposes, regrade, in a manner approved by the Strip Mining and Reclamation Commission, the overburden or the other strata removed from the coal so as to refill any ditches, trenches or excavations made in the mining operation and restore the surface of the land to a reasonable contour, so as to minimize the hazards of floods, pollution of streams and water, accumulation of stagnant water, and the loss of soil for agricultural or grazing purposes but where contour or hilltop stripping is being performed the spoil which is deposited below the elevation of the seam being mined need not be replaced in any land whether or not in use as and suitable for agricultural or grazing purposes.

(6) Where necessary to prevent erosion or to restore the productive qualities of the soil, plant trees, shrubs, grasses or vines upon lands affected, in accordance with regulations in respect to the time and manner of planting, and the type and quantity of fertilizer and lime to be used, prescribed by the Strip Mining and Reclamation Commission. The owner of the surface shall be entitled to his choice of varieties among the trees, shrubs, grasses or vines prescribed by the commission.

Sec. 7. If the things required by Section 6 of this Act are not done within two years after the date of issuance of the permit, the Strip Mining and Reclamation Commission shall cause a notice of noncompliance to be served upon the holder of the permit, by registered mail addressed to the permanent address shown on the application for the permit, specifying in what respects the holder has failed to comply. If, within forty days after the mailing of the notice, the holder of the permit has not fully complied with the requirements or diligently and in good faith prosecuted the work of complying, the permit shall be revoked and the performance bond shall be forfeited, provided that the permit holder shall be entitled to a hearing on the forfeiture of the bond and to an appeal from the determination of the Commission thereon as provided in Section 15 hereof.

Sec. 8. If the operator, land owner, or coal owner, including the lessee, desires to conduct drift mining operations upon premises covered by a strip mining permit, he may designate drift locations, and also outside haulageways along the exposed face of the coal, at which places it will not be necessary to replace the overburden during such time as bona fide drift mining operations are being carried on.

Sec. 9. The holder of a permit under this Act may file application with the Strip Mining and Reclamation Commission for an order authorizing him to reclaim and rehabilitate, in accordance with the provisions of Section 6 of this Act, a different area of land in lieu of that covered by his permit. Such different area of land must be land affected by strip or open pit mining of coal, of not less acreage than the land covered by the permit, and must be of a character and have a reclaimable value similar to the land covered by the permit. The application shall identify the different area of land and shall be accompanied by a map or plat showing its location, area and boundaries. The application shall also be accompanied by the written consent of the owner of the different area of land, to the proposed reclamation work, and by the written consent of the owner of the land covered by the permit, to release of the permit holder from his obligation to reclaim the land covered by the permit. The commission may grant such application, in its discretion, and upon issuance of an order granting the application, the per-

mit holder shall reclaim, in accordance with the provisions of Section 6 of this Act, the land described in the application, and shall be relieved of his obligation to reclaim the land covered by the permit.

Sec. 10. The holder of a permit under this Act may, at any time during the time the permit is in force, apply to the Strip Mining and Reclamation Commission for an amendment of the permit so as to reduce or increase the acreage covered by the permit. In the case of an application for reduction of acreage, the application shall identify the land desired to be released from the permit, and the applicant shall present proof that he has not conducted strip or open pit mining on such land; and if the commission finds that the application should be granted, it shall amend the permit according, and execute a partial release of the performance bond in proportion to the released land. An application for an increase of acreage to be added to the permit shall be allowed to cover any additional area which can be operated as part of the operation covered by the original permit. Such application shall be in the same form as an original application for a permit. The applicant shall be required to pay a fee of ten dollars for the amendment and shall be required to file a supplemental bond covering the additional land.

Sec. 11. When a bond is forfeited pursuant to the provisions of Section 7 of this Act, the Director of Strip Mining and Reclamation shall give notice thereof to the Attorney General, who shall collect the forfeiture without delay.

Sec. 12. All sums received through the payment of fees or the forfeiture of bonds shall be placed in the State Treasury and credited to a special agency fund account to be designated as the "Strip Mining and Reclamation Fund." This fund shall be available to the Strip Mining and Reclamation Commission for expenditure in the enforcement and administration of this Act and for the purpose of reclaiming and rehabilitating lands upon which strip mining operations have been conducted. The salaries and expenses authorized by this Act shall be paid out of this fund upon voucher of the Director of Strip Mining and Reclamation.

Sec. 13. The Strip Mining and Reclamation Commission shall cause to be reclaimed and rehabilitated, in accordance with the standards set forth in Section 6 of this Act, land with respect to which the permit holder has not complied with the requirements of Section 6. For this purpose, the commission may use moneys in the Strip Mining and Reclamation Fund, and may avail itself of any services that may be provided by other state agencies or by the federal government. The commission may cause the reclamation and rehabilitation work to be done through contracts with qualified persons, such contracts to be awarded to the lowest and best bidder upon competitive bids after reasonable advertisement. The commission and any other public agency cooperating with the commission, and any contractor under a contract with the commission, shall have the right of access to the land for the purpose of this section. So far as practicable, moneys received from bond forfeiture shall be expended upon the lands to which the bond applied.

Sec. 14. When any permit holder has completed his operations under a permit and has complied with the provisions of Section 6 of this Act, the Director of Strip Mining and Reclamation, on proof of such compliance and surrender of the permit, shall issue to the permit holder a certificate of release, whereupon the bond given by the permit holder shall be discharged and the surety therein released.

Sec. 15. Any person aggrieved by any order, determination, ruling or regulation of the Strip Mining and Reclamation Commission, or of the Director of Strip Mining and Reclamation, may, within thirty days after the issuance thereof, apply to the commission for a review thereof. The commission shall, as soon as practicable, review the matter, hear the parties, their representatives and witnesses, and make a final order, determination, ruling or regulation, a copy of which shall be mailed to the interested parties. Within twenty days after the mailing of final order, determination, ruling or regulation, any person aggrieved thereby may appeal therefrom, on any question of law or facts, or both, to the circuit court of the county in which the land in question is located. The petition shall state fully the grounds upon which a review is sought, assign all errors relied

on, and be verified by the petitioner. Two copies of the petition shall be filed with the commission on the day it is filed with the clerk of the circuit court. The petitioner shall file as a part of his petition the record before the commission, including all the pleadings, orders and such parts of the evidence as he believes necessary to develop the points involved. The commission may certify other portions of the evidence. To facilitate adjudication of the matter the commission shall furnish to the petitioner on payment of a reasonable fee to be fixed by the commission, a certified copy of such parts of the record as he may require. The case shall then be heard by the court on the record, except that either party may introduce evidence of fraud. Except as otherwise expressly provided, the provisions of the Civil Code shall govern procedure involving appeals from any order, determination, ruling or regulation of the commission, to the circuit court and Court of Appeals. The forfeiture of the bond and other penalties provided in this Act shall not be invoked pending any appeal under the provisions of this Act and for sixty days after the final determination of such appeal. And the permit holder shall not be deemed in violation of this Act during such period.

Sec. 16. (1) The Director of the Strip Mining and Reclamation Commission may institute injunction proceedings against repeated violations of Section 5 of this Act in the circuit court of any county where such violations occur, and the court shall have jurisdiction to award temporary and permanent injunctions against any violations of Section 5 upon a showing of violation after notice thereof by the director.

(2) Any person who willfully misrepresents any fact or willfully gives false information in any application under this Act shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

Sec. 17. To carry out the purposes of this Act, there is appropriated to the Strip Mining and Reclamation Commission, out of the General Expenditure Fund in the State Treasury, the sum of $5,000 for the balance of the 1949-1950 fiscal year, $15,000 for the 1950-1951 fiscal year, and $15,000 for the 1951-1952 fiscal year,

Sec. 18. This Act shall be known as "The Strip Mining and Reclamation Act."

By Mr. Moorman of the Committee on Agriculture No. 1.

H. B. No. 322. AN ACT relating to the licensing of farm trucks, amending subsection (4) of Section 186.050 of the Kentucky Revised Statutes.

H. B. No. 317. AN ACT relating to county and community fairs.

H. B. No. 304. AN ACT relating to tobacco; regulating and restricting the varieties and types of tobacco that may be grown in Kentucky; declaring the public policy of the Commonwealth of Kentucky with respect thereto; providing penalties for violation of the Act; and prescribing rules, standards and means for the enforcement of the Act, and declaring an emergency.

Mr. Shelton of the Committee on Roads and Highways.

H. B. No. 158. AN ACT relating to the disposal of cancelled checks in the hands of the Director of Records of the Department of Highways.

By Mr. Mackey of the Committee on Cities of the Fifth Class.

H. B. No. 336. AN ACT changing the classification of the City of Shepherdsville, in Bullitt County.

H. B. No. 347. AN ACT changing the classification of the City of Hodgenville, in Larue County.

By Mr. Shelton of the Committee on Roads and Highways.

S. B. No. 108. AN ACT relating to certificates of eligibility for contractors, amending Section 176.130 of the Kentucky Revised Statutes by inserting sixty days in (2) thereof in lieu of the present thirty days.

H. B. No. 157. AN ACT transferring the balance of funds of toll free bridge at Rockport to Sinking Fund of the Central Toll Bridge, Project No. 17.

With the expression of opinion that same should pass.

Whereupon, said bills and said resolutions were each and severally read at length for the first time and

Ordered placed in the Calendar.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed resolutions and bills which originated in that body of the following titles, viz:

S. B. No. 51. AN ACT imposing a penalty for removing or altering serial numbers on farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 433.640 of the Kentucky Revised Statutes is amended to read as follows:

"(1) Any person who cuts off, defaces, or in any other manner removes or alters any number placed by the manufacturer, for identification purposes, on the motor, chassis or frame of, or attachments to a motor vehicle, a farm tractor or other unit of farm equipment or machinery, shall be imprisoned in the penitentiary for not less than one year nor more than five years.

(2) The ownership, posssesion or control of a motor vehicle, or of a farm tractor or other unit of farm equipment or machinery on which any motor, chassis, frame or other number has been altered, defaced or removed, shall be prima facie evidence that the altering, defacing or removing was done by the person owning, possessing or having control of the motor ve-

hicle, or farm tractor or other unit of farm equipment or machinery."

S. B. No. 73. AN ACT to prevent unfair competition and unfair trade practices in the sale of cigarettes below cost; to protect and stabilize the collection of taxes on the sale of cigarettes and of revenues from the licensing of persons engaged in the sale of cigarettes; to confer powers and impose duties on the State Department of Revenue and on persons, as herein defined, engaged in the sale of cigarettes at wholesale or retail; and providing remedies and imposing penalties for violations thereof.

Said bill is as follows, viz:

WHEREAS, Unfair, dishonest, deceptive, destructive and fraudulent business practices existing in transactions involving the sale of, offer to sell, or inducement to sell, cigarettes in the wholesale and retail trades in this State have been and are demoralizing and disorganizing the said trades; and

WHEREAS, The advertising, offering for sale, or sale of cigarettes below cost in the wholesale or retail trade with the intent of injuring competitors or destroying or substantially lessening competition, is an unfair and deceptive business practice; and

WHEREAS, Such practices adversely affect the collection of taxes from the sale of cigarettes and license fees imposed on wholesalers and retailers and others engaged in the sale of cigarettes; and

WHEREAS, It is hereby declared to be the policy of this Commonwealth to promote the public welfare by prohibiting such sales, and it is the purpose of this act to carry out that policy in the public interest; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Short title. This act shall be known and may be cited as the "Act To Prevent Unfair Cigarette Sales In Kentucky."

2. Definitions. When used in any part of this act, the following words, terms and phrases and any variations thereof required by the context, shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning:

a. "Cigarettes" shall mean and include any roll for smoking made wholly or in any part of tobacco irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other material excepting tobacco.

b. "Person" shall mean and include any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, the State and any municipal corporation or other political subdivision of this State, trust, receiver, trustee, fiduciary and conservator.

c. " 'Wholesaler' means any person who sells cigarettes at wholesale or distributes cigarettes to be sold at retail, and it includes any manufacturer, distributor, jobber, broker, agent or other person, whether or not enumerated in this subsection, who so sells or so distributes cigarettes."

d. " 'Retailer' means any person who sells to a consumer or to any person for any purpose other than resale."

e. "Sale" and "sell" shall mean and include any transfer for a consideration, exchange, barter, gift, offer for sale and distribution in any manner or by any means whatsoever.

f. "Sell at wholesale," "sale at wholesale" and "wholesale sales" shall mean and include any sale made in the ordinary course of trade or usual conduct of the wholesaler's business to a retailer for the purpose of resale.

g. "Sell at retail," "sale at retail" and "retail sales" shall mean and include any sale for consumption or use made in the ordinary course of trade or usual conduct of the seller's business.

h. "Basic cost of cigarettes" shall mean whichever of the two following amounts is lower, namely, (1) the invoice cost of cigarettes to the wholesaler or retailer as the case may be, or (2) the lowest replacement cost of cigarettes to the wholesaler

or retailer, as the case may be, within thirty days prior to the date of sale, in the quantity last purchased (whether within or before the said thirty-day period, less, in either of said two cases, all trade discounts and customary discounts for cash, plus the full face value of any stamps which may be required by any cigarette tax act of this State or political subdivision thereof, now in effect or hereafter enacted, if not already included by the manufacturer in his list price.

i. (1) "Cost to wholesaler" shall mean the basic cost of the cigarettes involved to the wholesaler plus the cost of doing business by the wholesaler, and must include, without limitation, labor costs (including salaries of executives and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising.

(2) In the absence of proof of a lesser or higher cost of doing business by the wholesaler making the sale, the cost of doing business by the wholesaler shall be presumed to be three percentum (3%) of the basic cost of the said cigarettes to the wholesaler plus cartage to the retail outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of proof of a lesser or higher cost, shall be presumed to be one-fourth of one percentum (¼ of 1%) of the basic cost of the said cigarettes to the wholesaler.

j. (1) "Cost to the retailer" shall mean the basic cost of the cigarettes involved to the retailer plus the cost of doing business by the retailer, and must include, without limitation, labor (including salaries of executives and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising.

(2) In the absence of proof of a lesser or higher cost of doing business by the retailer making the sale, the cost of doing business by the said retailer shall be presumed to be eight percentum (8%) of the basic cost of cigarettes to the said retail dealer.

(3) In the case of any retailer who in connection with the said retailer's purchase of any cigarettes shall receive not only the discounts ordinarily allowed upon purchases by a retailer,

but also in whole or in part, the discount ordinarily allowed upon purchases by a wholesaler, the cost of doing business by the said retailer with respect to the said cigarettes shall be, in the absence of proof of a lesser or higher cost of doing business by the said retailer, the sum of the cost of doing business by the retailer and, to the extent that he shall have received the full discounts ordinarily allowed to a wholesale dealer, the cost of doing business by a wholesaler as hereinabove defined in subdivision i (2).

3. Sales at less than cost; penalty.

a. It shall be unlawful for any wholesaler or retailer, with intent to injure competitors or destroy or substantially lessen competition, to advertise, offer to sell, or sell, at wholesale or retail, cigarettes at less than cost to such wholesaler or retailer, as the case may be, as defined in this act. Any wholesaler or retailer who violates the provisions of this section shall be guilty of a misdemeanor and be punishable by fine of not more than five hundred dollars ($500.00).

b. Evidence of advertisement, offering to sell, or sale of cigarettes by any wholesaler or retailer at less than cost to him as defined by this act shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

4. Combination sales. In all advertisements, offers for sale or sales involving two or more items, at least one of which items is cigarettes, at a combined price, and in all advertisements, offers for sale, or sales, involving the giving of any gift or concession of any kind whatsoever (whether it be coupons or otherwise), the wholesaler's or retailer's combined selling price shall not be below the cost to the wholesaler or the cost to the retailer, respectively, of the total of all articles, products, commodities, gifts and concessions included in such transactions, except that if any such articles, products, commodities, gifts or concessions, shall not be cigarettes, the basic cost thereof shall be determined in like manner as provided in subdivision "h" of Section 2.

5. Sales by a wholesaler to a wholesaler. When any wholesaler sells cigarettes to any other wholesaler, the former shall not be required to include in his selling price to the latter, the cost to the wholesaler, as defined by section 2 of this act, but the latter wholesaler, upon resale to a retailer, shall be subject to the provisions of the said section.

6. Sales exceptions. The provisions of this act shall not apply to a sale at wholesale or a sale at retail made (a) in an isolated transaction and not in the usual course of business; (b) where cigarettes are advertised, offered for sale, or sold in a bona fide clearance sale for the purpose of discontinuing trade in such cigarettes and said advertising, offer to sell, or sale shall state the reason thereof and the quantity of such cigarettes advertised, offered for sale, or to be sold; (c) where cigarettes are advertised, offered for sale, or sold as imperfect or damaged, and said advertising, offer to sell, or sale shall state the reason therefor and the quantity of such cigarettes advertised, offered for sale, or to be sold; (d) where cigarettes are sold upon the final liquidation of a business; or (e) where cigarettes are advertised, offered for sale, or sold by any fiduciary or other officer acting under the order or direction of any court.

7. Transactions permitted to meet lawful competition.

a. Any wholesaler may advertise, offer to sell or sell cigarettes at a price made in good faith to meet the price of a competitor who is rendering the same type of service and is selling the same article at cost to the said competing wholesaler as defined by this act. Any retailer may advertise, offer to sell or sell cigarettes at a price made in good faith to meet the price of a competitor who is selling the same article at cost to the said competing retailer as defined in this act. The price of cigarettes advertised, offered for sale, or sold under the exceptions specified in section 6 shall not be considered the price of a competitor and shall not be used as a basis for establishing prices below cost, nor shall the price established at a bankrupt sale be considered the price of a competitor within the purview of this section.

b. In the absence of proof of the actual cost to the said

competing wholesaler or to the said competing retailer, as the case may be, such cost may be presumed to be the lowest cost to wholesaler or the lowest cost to retailer, as the case may be, within the same trading area as determined by a cost survey made pursuant to section 9-b.

8. Sales contracts void. Any contract, expressed or implied, made by any person in violation of any of the provisions of this act, is illegal and void and no recovery shall be had thereon.

9. Admissible evidence.

a. In determining cost to the wholesaler and cost to the retailer the court shall receive and consider as bearing on the bona fides of such cost, evidence tending to show that any person complained against under any of the provisions of this act purchased the cigarettes involved in the complaint before the court, at a fictitious price, or upon terms, or in such a manner, or under such invoices, as to conceal the true cost, discounts or terms of purchase, and shall also receive and consider as bearing on the bona fides of such cost, evidence of the normal, customary and prevailing terms and discounts in connection with other sales of a similar nature in the trade area or State.

b. Cost Survey. Where a cost survey pursuant to recognized statistical and cost accounting practices has been made for the trading area in which a violation of this act is committed or charged, to determine and establish on the basis of actual existing conditions the lowest cost to wholesalers or the lowest cost to retailers within the said area, the said cost survey shall be deemed competent evidence in any action or proceeding under this act as tending to prove actual cost to the wholesaler or actual cost to the retailer complained against, but any party against whom any such cost survey may be introduced in evidence shall have the right to offer evidence tending to prove any inaccuracy of such cost survey or any state of facts which would impair its probative value.

10. Sales outside ordinary channels of business; effect. In establishing the basic cost of cigarettes to a wholesaler or a retailer, it shall not be permissible to use the invoice cost or the

actual cost of any cigarettes purchased at a forced, bankrupt, or closeout sale, or other sale outside of the ordinary channels of trade.

11. Remedies.

a. The State Department of Revenue, or any person injured by any violation, or who would suffer injury from any threatened violation of this act, may maintain an action in any court of equitable jurisdiction to prevent, restrain, or enjoin such violation or threatened violation. If in such action a violation or threatened violation of this act shall be established the court shall enjoin and restrain, or otherwise prohibit, such violation or threatened violation, and, in addition thereto, the court shall assess in favor of the plaintiff and against the defendant the costs of suit including reasonable attorney's fees. In such action it shall not be necessary that actual damages to the plaintiff be alleged or proved, but where alleged and proved, the plaintiff in said action, in addition to such injunctive relief and costs of suit, including reasonable attorney's fees, shall be entitled to recover from the defendant the actual damages sustained by him.

b. In the event that no injunctive relief is sought or required, any person injured by a violation of this act may maintain an action for damages and costs of suit in any court of general jurisdiction.

12. State Department of Revenue; powers and duties. The State Department of Revenue may adopt rules and regulations for the enforcement of this act and it is empowered to and may from time to time undertake and make or cause to be made one or more cost surveys for the state or such trading area or areas as it shall define and when each such cost survey shall have been made by or approved by the said department it shall be permissible to use such cost survey as provided in sections 7-b and 9-b of this act.

Said department may, upon notice and after hearing, suspend or revoke any license issued under the provisions of KRS 137.040-137.050-137.070 and the rules and regulations of said department promulgated thereunder, for failure of the licensee to comply with any provision of this Act To Prevent Unfair

Cigarette Sales In Kentucky or any rule or regulation adopted thereunder.

All of the powers vested in said department by the provisions of the Cigarette Tax Law shall be available to it in the enforcement of this Act To Prevent Unfair Cigarette Sales In Kentucky.

Any person aggrieved by any decision, order or finding of said department, suspending or revoking any such license, may appeal therefrom to the Kentucky Tax Commission by filing a petition of appeal with said commission in the manner and from and within the time and subject to such terms and conditions as said commission shall by rules prescribe.

The judgement or order of said commission may be reviewed by a court of competent jurisdiction in the Commonwealth.

13. Partial unconstitutionality. The provisions of this act shall be deemed to be severable and if for any reason and provision shall be determined to be unconstitutional or invalid, such determination shall not be held to affect any other provision hereof. And no such determination shall be deemed to invalidate or render ineffectual any of the provisions of the Cigarette Tax Law, or the occupational license tax laws relating to cigarettes or tobacco products.

S. B. No. 78. AN ACT relating to elections, including all the elections provided for by Chapter 89 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person committing an act in connection with any election held under the provisions of KRS Chapter 89, which act, if committed in a regular election would subject the person to a penalty under the provisions of KRS Chapters 123 or 124, shall be subject to the same penalty provided therein for such an act.

S. B. No. 98. AN ACT repealing and re-enacting Section 93.300, Kentucky Revised Statutes, relating to the apportionment of the cost of elimination of grade crossings between the railroad companies and cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 93.300, Kentucky Revised Statutes, 1948 Edition, is hereby repealed, amended and re-enacted to read as follows:

(1) The cost of all work incident to or occasioned by the elimination of the grade crossing and the construction of a substituted crossing in any city of the first class, including the costs of preparing the plans and specifications and supervising the improvement, the acquisition of necessary property, the construction of approaches, drainage structures, street and pavements, accommodations for street railway and interurban railway companies and other public utilities, and damages paid to abutting property owners, shall be paid in the proportion of fifteen percent by the railroad companies affected and eighty-five percent by the city. The costs to be shared proportionately shall not include the cost of ties, ballast, rails and other track material used for railroad tracks or street or interurban railway tracks, equipment necessary for the operation of the railroad or street or interurban railways, or the expense of relaying and reconstructing or installing same, all of which costs shall be borne exclusively by the company whose tracks or equipment are so relaid, reconstructed or installed, and all of which shall be paid by monthly estimates.

(2) The city and the railroad company shall pay, in the proportion above provided, on monthly estimates certified by the city engineer and the railroad engineer in charge of the work, the amounts due to contractors and the costs incurred by the city or the railroad company and chargeable to the cost of construction.

(3) Where provision is made for a substituted crossing for the tracks of any street railway or interurban railway company,

the company owning the tracks shall pay into the city treasury forty percent of the amount paid out by the city under the provisions of KRS 93.290, or under any contract made under KRS 93.280. All payments so made by the street railway or interurban railway company shall be based on the monthly estimates referred to in subsection (2) of this section, a copy of which, properly certified by the director of works shall be furnished to the company. The payments by the company shall be made within five days after presentation of the estimate by the city.

(4) All books and records of the company performing the work, that pertain in any manner to the improvement, shall be open at all times to the inspection of the department of public works or its authorized representatives.

S. Res. No. 22. A JOINT RESOLUTION authorizing Clyde B. Smith of Topmost, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Clyde B. Smith, of Topmost, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways in the Knott Circuit Court for damages to real property caused by alleged negligence on the part of employes of the Department of Highways and the Commonwealth of Kentucky, while said employes were acting in the line of duty.

The suit of the said Clyde B. Smith shall be for a sum not in excess of $3,000.

The Attorney General of the Commonwealth of Kentucky may investigate the claims herein and settle same before or after suit is filed, if he deems it advisable.

Any amount recovered in said suits or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence for either party nor commented upon by counsel in argument to the jury.

S. Res. No. 31. A RESOLUTION authorizing Acree Austin of Mayfield, Graves County, Kentucky to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

RESOLUTION authorizing Acree Austin of Mayfield, Graves County, Kentucky to sue the Commonwealth of Kentucky.

WHEREAS, on April 10, 1948, the County Judge of Graves County, Kentucky, issued thirty-six (36) warrants charging thirty-six individual persons with the crime of "Feloniously banding together to disturb and injure persons whose names are unknown," said charge under the Statutes of Kentucky at said time being a felony; and,

WHEREAS, all of said defendants on April 23, 1948 waived their rights to an examining trial in the Graves Quarterly Court and said Court held each of said defendants to await the action of the Grand Jury of Graves County, Kentucky; and,

WHEREAS, at the November 1948 term of the Graves Circuit Court and on the 16th day of November, 1948, the Grand Jury of Graves County indicted all thirty-six of said persons, charging them in the indictment with the crime of "Feloniously banding together to disturb and injure persons whose names are unknown to this Grand Jury," said charge being a felony; and,

WHEREAS, the Legislature of the Commonwealth of Kentucky on June 17th, 1948 repealed the Statute making said crime a felony and reduced the punishment thereof so as to make said offense a misdemeanor; and,

WHEREAS, on November 17th, 1948, in the Graves Circuit Court, the Commonwealths Attorney of the First Judicial District ordered Acree Austin, Clerk of the Graves Circuit Court, to issue bench warrants for each of said defendants; and,

WHEREAS, the said Acree Austin, as Circuit Court Clerk, issued said bench warrants and all of said defendants made bond thereon; and,

WHEREAS, said case was continued from term to term of said Court until December 15th, 1949, when each of said indictments were ordered dismissed at the instance of Pet Milk Company and for want of proof and signed by F. B. Martin, Commonwealths Attorney; and,

WHEREAS, the said Acree Austin, as Clerk of the Graves Circuit Court, made demand upon the Commonwealth of Kentucky to the Department of Finance for his fees of $5.00 on each of said thirty-six defendants indicted, or a total of $180.00, same being the fee in felony cases allowed him by law, which claim was properly verified, presented and approved by the Graves Circuit Court; and,

WHEREAS, said Department of Finance of the Commonwealth of Kentucky, refused payment of said claim for the reason that the Legislature had reduced the penalty for the acts of said defendants during the pendency of said charge, and a legal controversy has arisen between the said Acree Austin, as Clerk of the Graves Circuit Court, and the Department of Finance of the Commonwealth of Kentucky; Now Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

SECTION I. That Acree Austin, Clerk of the Graves Circuit Court, be, and hereby he is, authorized, permitted and empowered to sue the Commonwealth of Kentucky, in the sum of $180.00 upon said claim.

SECTION II. That the action herein authorized and permitted may be brought in the Graves Circuit Court of Graves County, Kentucky, same being the Circuit Court having jurisdiction and where said indictments were pending. Said suit

shall be commenced within one year from the effective date of this resolution.

SECTION III. That any party to said action shall have the same rights and privileges as in any other civil suit and the same may be settled and adjusted by and with the consent and approval of the Attorney General of Kentucky in the same way as any other civil action may be settled or adjusted. If recovery is had by suit or compromise, the amount so adjudged or compromised shall be paid by the Auditor of Public Accounts or other proper officer or agent of the Commonwealth of Kentucky by warrant drawn on the State Treasurer and paid out of the General Fund.

S. Res. No. 32. A RESOLUTION authorizing H. L. Ashby to sue the Commonwealth of Kentucky, and the Commissioner of Highways.

Said resolution is as follows, viz:

WHEREAS, the State Highway Department of the Commonwealth of Kentucky, acting by and through its engineers, contractors and employees heretofore built and constructed a state highway running through Ohio County, Kentucky, known as State Highway No. 62, and

WHEREAS, said state highway was located, built and constructed in front of and adjacent to the farm of H. L. Ashby, which he now owns and then owned, which farm is situated in Simmons voting precinct and between Simmons and Rockport, in Ohio County, Kentucky, and

WHEREAS, the right of way for said highway, a part of which was cut off of said Ashby's farm, and where it runs in front of his farm is over low land or bottom land, and in constructing said highway and building the same, an embankment was constructed, which runs the entire distance adjacent to and in front of said Ashby's farm, which is of the average height of approximately four feet, and

WHEREAS, said engineers, representing the State Highway Department of Kentucky, in constructing said embankment, did not provide for sufficient openings for the water running from the hills in ordinary rain falls across the farm of the said Ashby and across said highway, causing said water to back up and overflow the bottom lands of the said Ashby, and

WHEREAS, the said openings that were made have been permitted to fill up with dirt and other debris, and causes the water in ordinary rain falls to back up and stand on and drown out the crops planted on said Ashby's land, and

WHEREAS, approximately 20 acres of land owned by the said Ashby being bottom land and adjacent to said highway, is affected by said overflow and the crops planted thereon have been damaged.

NOW, in order that the said Ashby may determine his rights by judicial action and that the question of negligence, if any, causing said damage may be determined by Judicial action.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That H. L. Ashby be and he is hereby empowered and authorized to file suit against the Commissioner of Highways, and the Commonwealth of Kentucky, or either of them, for the purpose of determining the liability of the Commonwealth of Kentucky, and the Commissioner of Highways, or either, for such damage to crops planted and cultivated on the bottom lands of the said H. L. Ashby, which adjoin State Highway No. 62, which damage is caused by insufficient openings in the embankment built, constructed and maintained by said Commissioner of Highways and the State Highway Department of Kentucky, over and on the right of way of said state Highway No. 62, causing the water in ordinary rain falls to back up and overflow approximately 20 acres of the bottom land of the said H. L. Ashby, and in the event any judgment is recovered by the said H. L. Ashby, or his claim is compromised and settled, the judgment or amount agreed upon in a compromise, if any, shall be paid out of the state highway funds, and the Commis-

sioner of Finance is hereby authorized to issue a warrant against the State Treasurer for said amount, if any.

2. Said action may be brought in any county having jurisdiction of the parties and subject matter, provided that any such action shall be instituted within one year from the date this resolution becomes effective, and shall not embrace damage to crops for more than five years next before the filing of said action.

3. Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky, in the same manner as any other civil case.

Nothing contained in this Resolution shall be considered by either the court or jury as substantial evidence on the merits of the claim, and the court shall instruct the jury that the Resolution authorizing this suit shall not be considered as an admission by the Commonwealth of Kentucky, or Commissioner of Highways, or any of its agencies, of any liability on the part of the Commonwealth of Kentucky, or the Commissioner of Highways, or any of its agencies, nor an admission that any verdict of any kind whatsoever shall be rendered for the plaintiff.

Ordered that said bills and said resolutions be printed and referred.

The message which was received from the Senate further announced that the Senate had refused to concur in an amendment to a bill which originated in that body of the following title, viz:

S. B. No. 7. AN ACT changing the classification of the City of Greensburg in Green County and declaring an emergency.

By way of substitute therefor, as proposed and adopted by the Senate on February 16, 1950.

And respectfully requested that the House recede from same.

Mr. Hanratty moved that the rules be suspended for the purpose of immediate consideration of said bill.

Said motion was agreed to by a majority of the members elected.

Whereupon, Mr. Hanratty moved that the House do now refuse to recede from said amendment to said bill by way of substitute therefor as previously proposed and adopted by the Senate.

Said motion was agreed to.

Mr. Hanratty then moved that the Speaker be authorized and directed to appoint a Committee on Conference on the part of the House and request the Senate to appoint a like Committee on the part of the Senate to confer and settle the differences between the two Houses.

Said motion was agreed to.

The Speaker announced the names of Messrs. Helm, Taylor and Hubbard as members constituting said Committee on the part of the House to settle the differences between the two Houses.

Ordered that the Chief Clerk of the House report the action of the House to the Senate.

Mr. Preston arose and spoke to a point of personal privilege regarding an article in the Courier-Journal of today entitled "A Triple Pay Raise is Big and Dubious."

CALENDAR

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. No. 302. AN ACT relating to teachers' retirement allowances, increasing the minimum allowance and appropriating the necessary sums for that purpose.

H. B. No. 351. AN ACT relating to per diem and expenses allowed members of county boards of education, amending Section 160.280 of the Kentucky Revised Statutes.

H. B. No. 282. AN ACT relating to court rules governing the practice of law and the State Bar, amending Section 30.170 of the Kentucky Revised Statutes.

H. B. No. 9. AN ACT relating to marriage licenses amending Section 402.080 of the Kentucky Revised Statutes.

H. B. No. 334. AN ACT relating to who may be present with the Grand Jury; and transcript of testimony and compensation allowed therefor, amending Section 110 Carroll's Kentucky Codes (Russell's Revision 1948).

H. B. No. 326. AN ACT relating to the terms of court in the Tenth Judicial District.

H. B. No. 78. AN ACT relating to credits, on qualifying examinations for public office or employment, for physically handicapped persons.

H. B. No. 332. AN ACT relating to the compensation of stenographic reporters in counties having a population of 150,000 or more, amending Section 28.440 of the Kentucky Revised Statutes.

S. B. No. 133. AN ACT authorizing and adding two additional judges for the Thirtieth Circuit Court District, embracing Jefferson County; establishing additional divisions of said circuit court; and providing for the appointment and election of the additional judges.

H. B. No. 271. AN ACT to establish a water pollution control commission and to control, prevent and abate pollution of the streams, lakes, ponds, and other surface or underground waters of the Commonwealth.

S. B. No. 134. AN ACT authorizing and adding one additional judge to the circuit court for the Twenty-Second Circuit

District; establishing the divisions of said circuit court; providing for the appointment and election of the additional judge to said court; and providing for the manner in which said court shall be held and the business therein conducted.

H. B. No. 104. AN ACT relating to the exemption of personal property for widows and infant children.

H. B. No. 256. AN ACT relating to the refund of the excise tax imposed upon gasoline and repealing, amending and re-enacting Section 138.354 of the Kentucky Revised Statutes.

H. B. No. 45. AN ACT relating to school building funds, with particular reference to taxes for building fund purposes.

H. B. No. 257. AN ACT relating to the refund of the excise tax imposed upon gasoline and repealing, amending and re-enacting Section 138.344 of the Kentucky Revised Statutes.

S. B. No. 111. AN ACT to amend, revise and re-enact Section 25.490 of the Kentucky Revised Statutes relating to clerks and deputy clerks of the quarterly courts in counties of 250,000 or more population, salaries therefor, fidelity bonds therefor and disposition of fees.

Ordered that said bills be read at length for the second time.

Mr. Hanratty moved that the Constitutional provision as to the second reading at length of said bills be dispensed with, and same be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills having been dispensed with, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

Mr. Hanratty moved that the rules be suspended for the purpose of immediate consideration of a bill which was reported from the Senate on February 15 wth amendments thereto as proposed and adopted by the Senate of the following title, viz:

H. B. No. 35. AN ACT relating to the consolidation of the various revolving fund accounts of the Department of Agriculture.

Said amendments as proposed and adopted by the Senate are as follows, viz:

Amend House Bill No. 35 by substituting the word "agency" in place of the word "revolving" in the following places:

Amendment No. 1.

Line 1

At the end of line 3 and the beginning of line 4

At the end of line 7 and the beginning of line 8

Amendment to title. Strike the word "revolving from line 1 of the title and inserting in lieu thereof the word "agency."

Said motion was agreed to by a majority of the members elected.

(For bill see H. J. of January 17, 1950, ante)

Thereupon, Mr. Hanratty moved that the House do now concur in said Amendment No. 1 to said bill as proposed and adopted by the Senate.

Said motion was agreed to, and

Thereupon, said amendment as proposed and adopted by the Senate was agreed to.

Said bill, having been engrossed, was then passed as amended.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	John A. Head	Walter R. Moorman
Bill Adams	Harold G. Helm	Fred H. Morgan
Edgar Arnett	William K. Henry	C. S. Nabb
Sidney Baer	E. R. Hilton	James H. Polsgrove
Walter J. Bailey	Ray Holbrook	Hobart Rayburn
Clarence J. Barnum	Woodrow W. Hollan	W. R. Reasor
C. E. Baumgardner	Chester J. Holsclaw	Carl J. Ruh
John D. Beatty	W. M. Horn	Dr. Roy Sanders
Fred Beshear	Richard R. Houpt	Roy Searcy
L. E. Bradley	Durham W. Howard	James S. Shaw
Thomas L. Britton	Silas Jacobs	Gus Sheehan, Jr.
J. D. Buckman, Jr.	Barkley Jones	Jesse H. Shelton
Mrs. M. E. Burnett	William Jones	Forest Smith
Charles W. Burnley	James W. Lambert	J. Claude Stacy
Alex Calvert	Mrs. J. T. Linton	Roy Steers
R. Josh Cosby	Homer E. Losey	Raymond D. Stigall
B. H. Crider	A. L. (Chick) Love	Mrs. Thelma Stovall
Owen Deering	Harry K. Lowman	W. R. Stringer
G. I. Drury	True Mackey	Egbert V. Taylor
Thomas R. Duncan	Damon Majors	M. G. Thompson
R. C. Estepp, Sr.	John Martin	Ralph N. Walter
Mitchell S. Fannin	William T. Marshall	Fred M. Warns
C. A. Hammons	G. Lee McClain	Morris Weintraub
James P. Hanratty	Jack McPherron	G. F. Williamson
George F. Harris	Archie R. Moore	Charles W. Wirsch

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Mr. Hanratty moved that the House do now concur in the amendment to the title of said bill as proposed and adopted by the Senate.

Said motion was agreed to, and

Thereupon, said amendment to the title of said bill was agreed to.

Resolved that the title be as amended.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Hanratty moved that the rules be suspended for the purpose of immediate consideration of a bill which was reported from the Senate on February 15, with amendments thereto as proposed and adopted by the Senate of the following title, viz:

H. B. No. 41. AN ACT relating to weights and measures, and weighing and measuring devices.

Said amendments to said bill as proposed and adopted by the Senate are as follows, viz:

Amendment No. 1. By striking the entire line and inserting in lieu thereof the following:

"by a customer. This subsection shall not aply to weighing and measuring devices used by pharmacists for the purpose of componding and preparing prescriptions for medical purposes.

Amendment No. 2. Page 5, Section 8, line 14, by inserting, immediately preceding the word "For" the following:

"The inspection, testing and trying of railroad track scales used for weighing railroad cars shall be done by the department in cooperation with the United States Bureau of Standards.

Said motion was agreed to by a majority of the members elected.

(For bill see H. J. of January 17, 1950, ante.)

Thereupon, Mr. Hanratty moved that the House do now concur in said Amendment No. 1 to said bill as proposed and adopted by the Senate.

Said motion was agreed to, and

Thereupon, said Amednment No. 1 as proposed and adopted by the Senate was agreed to.

Mr. Hanratty moved that the House do now concur in said Amendment No. 2 to said bill as proposed and adopted by the Senate.

Said motion was agreed to, and

Thereupon, said Amendment No. 2 to said bill as proposed and adopted by the Senate was agreed to.

Said bill, having been engrossed, was then passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	E. R. Hilton	C. S. Nabb
Edgar Arnett	Ray Holbrook	Hobart Rayburn
Walter J. Bailey	Woodrow W. Hollan	W. R. Reasor
C. E. Baumgardner	W. M. Horn	Carl J. Ruh
Fred Beshear	Durham W. Howard	LeRoy Saylor
L. E. Bradley	Robert N. Hubbard	Roy Searcy
Thomas L. Britton	Silas Jacobs	James S. Shaw
Charles J. Bronston	Paul S. Jonas	Gus Sheehan, Jr.
J. D. Buckman, Jr.	Barkley Jones	Jesse H. Shelton
Mrs. M. E. Burnett	William Jones	Forest Smith
Charles W. Burnley	James W. Lambert	J. Claude Stacy
Alex Calvert	Mrs. J. T. Linton	Roy Steers
Stanley Carter	Homer E. Losey	Raymond D. Stigall
R. Josh Cosby	A. L. (Chick) Love	Mrs. Thelma Stovall
B. H. Crider	Harry K. Lowman	W. R. Stringer
Owen Deering	True Mackey	Egbert V. Taylor
G. I. Drury	William T. Marshall	M. G. Thompson
Thomas R. Duncan	G. Lee McClain	Rev. T. H. Tinsley
Mitchell S. Fannin	Jack McPherron	Ralph N. Walter
James P. Hanratty	Archie R. Moore	Fred M. Warns
George F. Harris	Emmett G. Moore	Harry Lee Waterfield
Harold G. Helm	Walter R. Moorman	Charles W. Wirsch
William K. Henry	Fred H. Morgan	—68

Ordered that said bill be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 172. AN ACT changing the classification of the city of Owingsville, in Bath County.

Said bill is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the population of the city of Owings-

ville, in Bath County, is such as to justify its being assigned to the fourth class of cities,

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The city of Owingsville, in Bath County, is changed from the fifth to the fourth class of cities.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in acordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul Combs	Richard R. Houpt
Bill Adams	R. Josh Cosby	Durham W. Howard
Edgar Arnett	B. H. Crider	Robert N. Hubbard
Sidney Baer	Owen Deering	Silas Jacobs
Walter J. Bailey	G. I. Drury	Paul S. Jonas
Clarence J. Barnum	Thomas R. Duncan	Barkley Jones
C. E. Baumgardner	R. C. Estepp, Sr.	William Jones
Fred Beshear	Mitchell S. Fannin	James W. Lambert
L. E. Bradley	Henry C. Hale	Mrs. J. T. Linton
Edward O. Bridgers	C. A. Hammons	Homer E. Losey
Thomas L. Britton	James P. Hanratty	A. L. (Chick) Love
Charles J. Bronston	George F. Harris	Harry K. Lowman
J. D. Buckman, Jr.	Paul E. Hayes	True Mackey
Mrs. M. E. Burnett	E. R. Hilton	Damon Majors
Charles W. Burnley	Ray Holbrook	John Martin
Alex Calvert	Woodrow W. Hollan	William T. Marshall
Stanley Carter	W. M. Horn	Jack McPherron

Archie R. Moore	LeRoy Saylor	W. R. Stringer
Emmett G. Moore	Roy Searcy	Egbert V. Taylor
Walter R. Moorman	James S. Shaw	Rev. T. H. Tinsley
Fred H. Morgan	Gus Sheehan, Jr.	Ralph N. Walter
C. S. Nabb	Jesse H. Shelton	Harry Lee Waterfield
James H. Polsgrove	Roy Steers	G. F. Williamson
W. R. Reasor	Raymond D. Stigall	Charles W. Wirsch
Carl J. Ruh	Mrs. Thelma Stovall	—74

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 203. AN ACT changing the classification of the City of Walton, in Boone County, and declaring an emergency.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Walton, in Boone County, is such as to justify its being assigned to the fifth class of cities,

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The City of Walton, in Boone County, is transferred from the sixth class to the fifth class of cities.

Sec. 2. Whereas, the reclassification of the City of Walton is necessary in order to enable the city to qualify for and receive Federal aid for hospital construction, and to enable the ctiy to finance needed improvements of its streets and sewers, all of which are essential to the public health and welfare of the state, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Henry C. Hale	Jack McPherron
Bill Adams	C. A. Hammons	Archie R. Moore
Edgar Arnett	James P. Hanratty	Emmett G. Moore
Sidney Baer	George F. Harris	Walter R. Moorman
Walter J. Bailey	Paul E. Hayes	Fred H. Morgan
Clarence J. Barnum	E. R. Hilton	C. S. Nabb
C. E. Baumgardner	Ray Holbrook	James H. Polsgrove
Fred Beshear	Woodrow W. Hollan	W. R. Reasor
L. E. Bradley	W. M. Horn	Carl J. Ruh
Edward O. Bridgers	Richard R. Houpt	LeRoy Saylor
Thomas L. Britton	Durham W. Howard	Roy Searcy
Charles J. Bronston	Robert N. Hubbard	James S. Shaw
J. D. Buckman, Jr.	Silas Jacobs	Gus Sheehan, Jr.
Mrs. M. E. Burnett	Paul S. Jonas	Jesse H. Shelton
Charles W. Burnley	Barkley Jones	Forest Smith
Alex Calvert	William Jones	Roy Steers
Stanley Carter	James W. Lambert	Raymond D. Stigall
Paul Combs	Mrs. J. T. Linton	Mrs. Thelma Stovall
R. Josh Cosby	Homer E. Losey	W. R. Stringer
B. H. Crider	A. L. (Chick) Love	Egbert V. Taylor
Owen Deering	Harry K. Lowman	Rev. T. H. Tinsley
G. I. Drury	True Mackey	Ralph N. Walter
Thomas R. Duncan	Damon Majors	Harry Lee Waterfield
R. C. Estepp, Sr.	John Martin	G. F. Williamson
Mitchell S. Fannin	William T. Marshall	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 215. AN ACT changing the classification of the City of London, in Laurel County.

Said bill is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the population of the City of London, in Laurel County, is such as to justify its being assigned to the fourth class of cities;

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of London, in Laurel County, is transferred from the fifth to the fourth class of cities.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Berman Adams	Henry C. Hale	G. Lee McClain
Bill Adams	Chester A. Hammons	Jack McPherron
Edgar Arnett	James P. Hanratty	Archie R. Moore
Sidney Baer	George F. Harris	Emmett G. Moore
Walter J. Bailey	Paul E. Hayes	Walter R. Moorman
Clarence J. Barnum	E. R. Hilton	Fred H. Morgan
C. E. Baumgardner	Ray Holbrook	C. S. Nabb
Fred Beshear	Woodrow W. Hollan	James H. Polsgrove
L. E. Bradley	W. M. Horn	W. R. Reasor
Edward O. Bridgers	Richard R. Houpt	Carl J. Ruh
Thomas L. Britton	Maurice G. Howard	LeRoy Saylor
Charles J. Bronston	Robert N. Hubbard	Roy Searcy
J. D. Buckman, Jr.	Silas Jacobs	James S. Shaw
Mrs. M. E. Burnett	Paul S. Jonas	Gus Sheehan, Jr.
Charles W. Burnley	Barkley Jones	Jesse H. Shelton
Alex Calvert	William Jones	Roy Steers
Stanley Carter	James W. Lambert	Raymond D. Stigall
Paul Combs	Mrs. J. T. Linton	Mrs. Thelma Stovall
R. Josh Cosby	Homer E. Losey	W. R. Stringer
B. H. Crider	A. L. (Chick) Love	Egbert V. Taylor
Owen Deering	Harry K. Lowman	Rev. T. H. Tinsley
G. I. Drury	True Mackey	Ralph N. Walter
Thomas R. Duncan	Damon Majors	Harry Lee Waterfield
R. C. Estepp, Sr.	John Martin	G. F. Williamson
Mitchell S. Fannin	William T. Marshall	Charles W. Wirsch

—74

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 49. AN ACT changing the classification of the City of Richmond, in Madison County, and declaring an emergency to exist.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Richmond, in Madison County, is such as to justify its being assigned to the third class of cities.

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The City of Richmond, in Madison County, is transferred from the fourth to the third class of cities.

Sec. 2. WHEREAS, the reclassification of the city of Richmond, in Madison County, is necessary in order to enable the city to remove certain handicaps and limitations designed to apply only to cities having a lesser population, and

WHEREAS, such handicaps and limitations seriously interfere with the proper and efficient administration of the fiscal policies of Richmond to the detriment of the health and welfare of said city and of the state as a whole, and

WHEREAS, cities of the third class are enabled to take advantage of a better plan of federal financing of buildings and projects designed to improve the general walfare, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Henry C. Hale	Jack McPherron
Bill Adams	Chester A. Hammons	Archie R. Moore
Edgar Arnett	James P. Hanratty	Emmett G. Moore
Sidney Baer	George F. Harris	Walter R. Moorman
Walter J. Bailey	Paul E. Hayes	Fred H. Morgan
Clarence J. Barnum	E. R. Hilton	C. S. Nabb
C. E. Baumgardner	Ray Holbrook	James H. Polsgrove
Fred Beshear	Woodrow W. Hollan	W. R. Reasor
L. E. Bradley	W. M. Horn	Carl J. Ruh
Edward O. Bridgers	Richard R. Houpt	LeRoy Saylor
Thomas L. Britton	Durham W. Howard	Roy Searcy
Charles J. Bronston	Robert N. Hubbard	James S. Shaw
J. D. Buckman, Jr.	Silas Jacobs	Gus Sheehan, Jr.
Mrs. M. E. Burnett	Paul S. Jonas	Jesse H. Shelton
Charles W. Burnley	Barkley Jones	Roy Steers
Alex Calvert	William Jones	Raymond D. Stigall
Stanley Carter	James W. Lambert	Mrs. Thelma Stovall
Paul Combs	Mrs. J. T. Linton	W. R. Stringer
R. Josh Cosby	Homer E. Losey	Egbert V. Taylor
B. H. Crider	A. L. (Chick) Love	Rev. T. H. Tinsley
Owen Deering	Harry K. Lowman	Ralph N. Walter
G. I. Drury	True Mackey	Harry Lee Waterfield
Thomas R. Duncan	Damon Majors	G. F. Williamson
R. C. Estepp, Sr.	John Martin	Charles W. Wirsch
Mitchell S. Fannin	William T. Marshall	—74

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 81. AN ACT relating to stenographers or clerks for county attorneys in certain counties; amending section 69.340 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 69.340 of the Kentucky Revised Statutes is amended to read as follows:

In all counties of this Commonwealth containing cities of the third or fourth class or fifth class, or a county containing a part of a third-class city, or having a population of fifty thousand people or over there is hereby created, subject to the discretion of the fiscal court or county commissioners of said county, the office of stenographer or clerk to the county attorney. Said stenographer or clerk shall be appointed by the county attorney for a term of four years but may be removed at any time by the said county attorney. Said stenographer shall receive a salary of not less than nine hundred dollars nor more than two thousand four hundred dollars per annum, to be fixed by the fiscal court of such county, and shall be payable out of the county levy of said county in equal monthly installments. This section does not apply to counties containing a city of the first or second class.

Ordered that said bill be read at length the third time.

Mr. Losey moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Adams Bernam	Paul E. Hayes	Emmett G. Moore
Bill Adams	Harold G. Helm	Fred H. Morgan
Sidney Baer	William K. Henry	C. S. Nabb
Walter J. Bailey	E. R. Hilton	James H. Polsgrove
Clarence J. Barnum	Ray Holbrook	Hobart Rayburn
C. E. Baumgardner	Woodrow W. Hollan	W. R. Reasor
Fred Beshear	Chester J. Holsclaw	Carl J. Ruh
Edward O. Bridgers	Richard R. Houpt	LeRoy Saylor
J. D. Buckman, Jr.	Maurice G. Howard	James S. Shaw
Mrs. M. E. Burnett	Silas Jacobs	Gus Sheehan, Jr.
Charles W. Burnley	Paul S. Jonas	Roy Steers
Alex Calvert	Barkley Jones	Raymond D. Stigall
Stanley Carter	William Jones	Mrs. Thelma Stovall
R. Josh Cosby	James W. Lambert	W. R. Stringer
B. H. Crider	Mrs. J. T. Linton	Egbert V. Taylor
Owen Deering	Homer E. Losey	M. G. Thompson
Mitchell S. Fannin	Harry K. Lowman	Rev. T. H. Tinsley
Henry C. Hale	True Mackey	Fred M. Warns
Chester A. Hammons	Damon Majors	G. F. Williamson
James P. Hanratty	Jack McPherron	Charles W. Wirsch
George F. Harris		

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Those who voted in the negative were

A. L. (Chick) Love	Roy Searcy	J. Claude Stacy

—3

Resolved that the title thereof be as aforesaid.

Mr. Losey moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Hanratty moved that the House do now adjourn to meet again at 10 o'clock, a.m., Friday, February 24, 1950.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, FEBRUARY 24, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by the Reverend H. Glenn Stephens, pastor of the South Frankfort Presbyterian Church, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams
Bill Adams
Edgar Arnett
Sidney Baer
Clarence J. Barnum
C. E. Baumgardner
John D. Beatty
Fred Beshear
Edward O. Bridgers
Thomas L. Britton
Charles J. Bronston
J. D. Buckman, Jr.
Mrs. M. E. Burnett
Charles W. Burnley
Alex Calvert
Stanley Carter
Paul Combs
R. Josh Cosby
B. H. Crider
Owen Deering
G. I. Drury
Thomas R. Duncan
R. C. Estepp, Sr.
Mitchell S. Fannin
Henry C. Hale
C. A. Hammons
James P. Hanratty
George F. Harris
Paul E. Hayes
John A. Head
Harold G. Helm
William K. Henry
E. R. Hilton
Ray Holbrook
Woodrow W. Hollan
Chester J. Holsclaw
W. M. Horn
Richard R. Houpt
Durham W. Howard
Robert N. Hubbard
Silas Jacobs
Paul S. Jonas
Barkley Jones
William Jones
James W. Lambert
Jesse H. Lawrence
Mrs. J. T. Linton
Homer E. Losey
A. L. (Chick) Love
Harry K. Lowman
True Mackey
Damon Majors
John Martin
William T. Marshall
G. Lee McClain
Jack McPherron
Archie R. Moore
Emmett G. Moore
Walter R. Moorman
Fred H. Morgan
C. S. Nabb
James H. Polsgrove
Hobart Rayburn
W. R. Reasor
Carl J. Ruh
Amos Runyan
Dr. Roy Sanders
LeRoy Saylor
Roy Searcy
Paul E. Shannon
Gus Sheehan, Jr.
Jesse H. Shelton
Forest Smith
Joseph T. Snapp
John M. Spaulding
J. Claude Stacy
Roy Steers
Raymond D. Stigall
Mrs. Thelma Stovall
W. R. Stringer
Egbert V. Taylor
M. G. Thompson
Rev. T. H. Tinsley
Ralph N. Walter
Fred M. Warns
Harry Lee Waterfield
Lyle H. Webb
Morris Weintraub
G. F. Williamson
Charles W. Wirsch
Adron Doran,
Speaker

Mr. Baer moved that leaves of absence be granted to Messrs. Bailey, Bean, Blevins, Bradley, Maurice G. Howard, Mitchell, Palmore, Preston and Shaw.

Said motion was agreed to.

Mr. Polsgrove moved that the reading of the Journal of the proceedings of Thursday, February 23, 1950, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Morgan moved that the rules be suspended and the privilege of the floor extended to Mrs. Geo. Harris.

Said motion was unanimously agreed to.

Mr. Morgan moved that the rules be suspended and George H. Harris be made an Honorary Page for the 1950 Regular Session.

Said motion was unanimously agreed to.

Mr. Weintraub moved that the rules be suspended and Miss Pam Perry be made an Honorary Page for the 1950 Regular Session.

Said motion was unanimously agreed to.

Mr. Steers moved that the rules be suspended and Miss Jorja Lynn Walter be made an Honorary Page for the 1950 Regular Session.

Said motion was unanimously agreed to.

Mr. Steers moved that the rules be suspended and Mr. James Henry Hale be made an Honorary Page for the 1950 Regular Session.

Said motion was unanimously agreed to.

Mr. Hanratty moved that the rules be suspended and the House do now proceed to the introduction of bills and resolutions.

Said motion was agreed to by a majority of the members elected.

Thereupon, bills and resolutions of the following titles were introduced, viz:

By Mr. Baer.

H. B. No. 405. AN ACT relating to plumbers and plumbing.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. KRS 318.010 is amended and reenacted to read as follows:

Definitions and application. (1) As used in this chapter unless the context requires otherwise:

(a) "Board" means the State Board of Health.

(b) "Master plumber" means a person who has qualified as such under the law and assumes responsible charge and direction of other persons in the installation and maintenance of plumbing and drainage of kinds and types, as provided in this chapter, and who is skilled mechanically, mathematically, technically and in supervisory capability to the extent that he can design, lay out and supervise all work provided under this chapter, and can place his ideas, deductions and proposals in readable print, such as plans and specifications or dimensional sketches, from which others may work.

(c) "Journeyman plumber" means a person who has qualified as such under the law and performs the work provided under this chapter under the supervision and direction of a master plumber.

(d) "Apprentice plumber" means a person who is at least sixteen years of age and who has entered into an apprenticeship agreement with a master plumber.

(e) "Plumbing" means the art of designing, supervising, installing and maintaining in structures and the premises thereto, all pipes and appurtenances for the safe distribution of water from points of supply to points of use and the necessary pipes and appurtenances for the sanitary and safe disposal of wastes and sewage from points of accumulation to points of disposal and the disposal of rain water and other liquids when emptied into a sewer line.

(2) This chapter applies generally to counties containing a city of the first, second or third class. It also is applicable to structures elsewhere in the Commonwealth, where the manufacturing, processing or distribution of any product is being carried on; to multiple residences of more than five family units; to places providing lodging accommodations for the public; and to private, public or quasi-public gathering places for any purpose.

Sec. 2. KRS 318.020 is amended and reenacted to read as follows:

Water company employes and maintenance men exempt. (1) Any person regularly employed by a water system, whether publicly or privately owned, to perform services in installing and operating pipes and appurtenances, for the purpose of supplying water to the public generally, on the property of the system or in public thoroughfares or easements, shall be exempt from the provisions of this chapter except for services in or upon public swimming pools, rest rooms and other facilities for public use.

(2) Any person employed as or acting as a maintenance man and who does not practice the occupation of master or journeyman plumber as his principal trade or business shall also be exempt from the provisions of this chapter with respect to such employment, provided however, that such maintenance

man does not engage in or work at the installation of new plumbing or the extension or alteration of existing plumbing or any of its appurtenances.

Sec. 3. KRS 318.030 is amended and reenacted to read as follows:

Practicing plumbing without registration prohibited. No person shall be employed or engaged in or work at the business of plumbing in any county or in or upon any structure or place to which this chapter applies unless such person has been registered as provided under this chapter.

Sec. 4. KRS 318.040 is amended and reenacted to read as follows:

Qualifications; examinations. (1) An applicant for certificate of registration as a master plumber or journeyman plumber shall be a citizen of the United States and at least twenty-one years of age, and shall further qualify as follows:

(a) Any person making an application to qualify as a master plumber shall have been registered under KRS Chapter 318 at least five years as a journeyman plumber, and shall further qualify by examination as being capable of designing and supervising installations and sanitary maintenance of any and all kinds of plumbing. He shall have educational qualifications in mechanical, mathematical and technical subjects to the extent necessary to design systems for all purposes and functions provided in this chapter and be able to place his deductions in readable form, and prepare dimensional schematic sketches and detailed specifications from which others may work.

(b) Any person making an application to qualify as a journeyman plumber shall have served at least five years as an apprentice plumber and shall satisfactorily pass an examination designed to test his practical and technical knowledge of plumbing.

(2) Any person making an application for registration as an apprentice plumber shall need no technical qualifications,

but shall conform to the applicable provisions of this chapter and Chapter 343 of the Kentucky Revised Statutes.

Sec. 5. KRS 318.050 is amended and reenacted to read as follows:

Fees; applications. (1) The following fees shall be paid to the board:

(a) By an applicant for an examination for a certificate of registration as a master plumber, twenty-five dollars.

(b) By an applicant for a certificate of registration as a master plumber, twenty-five dollars.

(c) By an applicant for the annual renewal of a certificate of registration as a master plumber, ten dollars.

(d) By an applicant for an examination for a certificate of registration as a journeyman plumber, five dollars.

(e) By an applicant for a certificate of registration as a journeyman plumber, five dollars.

(f) By an applicant for the annual renewal of a certificate of registration as a journeyman plumber, three dollars.

(g) By an applicant for registration as an apprentice plumber, one dollar for each year registered.

(2) The fee shall accompany the application, and no fee shall be refunded. Applications for examination shall be filed at least fifteen days before the examination.

Sec. 6. KRS 318.060 is amended and reenacted to read as follows:

Reexamination. An applicant failing to be granted registration upon his first application, or an applicant who fails to pass his first examination, may enter any examination held within six months from the date of such failure, without the payment of any additional fee.

Sec. 7. KRS 318.070 is amended and reenacted to read as follows:

Board to administer chapter; hold examinations; issue and revoke certificates of registration; prescribe regulations. In the administration of this chapter and the enforcement of its provisions, the State Board of Health shall have jurisdiction and power to issue and revoke certificates of registration, conduct and hold examinations, which shall be held quarterly, and promulgate reasonable rules and regulations.

Sec. 8. KRS 318.080 is amended and reenacted to read as follows:

Chief plumbing inspector and advisory committee; duties and functions; examinations. (1) There shall be a Chief Plumbing Inspector to be appointed by and to receive a salary fixed by the State Board of Health. His duties shall be confined to the administration and enforcement of this chapter, and he shall work under the supervision of the Director of the Division of Sanitary Engineering in the State Department of Health. He shall serve at the pleasure of the board.

(2) There shall be an Advisory Committee appointed by the State Board of Health to serve at the pleasure of the board, which committee shall consist of the Chief Plumbing Inspector, one master plumber, one journeyman plumber, one architect and one engineer experienced in hydraulics. There shall be an alternate appointed for each member of the committee except the Chief Plumbing Inspector, which alternate shall serve only in the absence of the particular member for whom he was appointed. The Chief Plumbing Inspector shall act as secretary and the committee shall select its chairman. The advisory committee shall meet from time to time upon call of the Chief Plumbing Inspector, subject to the approval of the Director of the Division of Sanitary Engineering, and may make recommendations to the State Board of Health with regard to amending the plumbing code, and the rules and regulations with respect to the administration and enforcement of this chapter. The committee shall meet at least one time each year. Each member of the committee, except the Chief Plumb-

ing Inspector, shall be paid twenty dollars for each meeting attended.

(3) It shall further be the duty of the Chief Plumbing Inspector, in conjunction with an examining committee appointed by the board, composed of two master plumbers and two journeyman plumbers, to conduct examinations for persons to qualify as registered master plumbers or journeyman plumbers, and they shall grade all parts of the examinations and certify the results to the Director of the Division of Sanitary Engineering of the State Board of Health.

Sec. 9. KRS 318.090 is amended and reenacted to read as follows:

State plumbing inspectors; appointment, qualifications, compensation. (1) The board shall appoint such plumbing inspectors as it considers necessary to carry out the provisions of this chapter. They shall have statewide jurisdiction and be designated as "State Plumbing Inspectors."

(2) Each plumbing inspector shall have had at least five years' experience as a journeyman plumber and at least five years' additional experience either as a master or journeyman plumber. At the time of his appointment, he shall be either a registered master plumber or a registered journeyman plumber.

(3) The salaries of the state plumbing inspectors shall be fixed by the board.

Sec. 10. KRS 318.100 is amended and reenacted to read as follows:

How registrants to be styled. Any person registered under this chapter may be styled as a Registered Master Plumber, Registered Journeyman Plumber or Registered Apprentice Plumber, as the case may be.

Sec. 11. KRS 318.110 is amended and reenacted to read as follows:

Company or individual with Registered Master Plumber may engage in plumbing business; Master Plumber to notify board of severance. A company or individual principal may en-

gage in the business of plumbing in the counties and in or upon the structures and places to which this chapter applies, if some person connected with the company or individual principal in responsible charge of the plumbing work is a registered master plumber. Any master plumber, in responsible charge of plumbing work for a company or individual engaged in the plumbing business, shall notify the board at any time he severs his connection with the company or individual principal. The name of such master plumber shall be included in the principal type of advertising of such company or principal.

Sec. 12. KRS 318.120 is amended and reenacted to read as follows:

Person in charge of plumbing work not to employ unregistered plumber. No person who assumes responsible charge and direction of other persons in the installation of plumbing and drainage shall employ for gain any person not registered under this chapter to perform and install plumbing and drainage.

Sec. 13. KRS 318.130 is amended and reenacted to read as follows:

Board to promulgate plumbing code; manual. In order to administer this chapter, the board shall promulgate a code regulating the installation of plumbing, house drainage and sewage, including inspections and tests, using as a minimum the basic principles adopted by the subcommittee on plumbing of the Building Code Committee of the United States Department of Commerce, as shown in the final report of that Committe, on July 3, 1923, with anv additions required by local, climatic or other conditions. It shall give due consideration to the recommendations of its Advisory Committee. Upon compliance with the provisions of KRS 13.020, the plumbing code and any rules and regulations adopted under this chapter shall constitute an official manual for the plumbing industry.

Sec. 14. KRS 318.140 is amended and reenacted to read as follows:

Municipal plumbing inspectors; powers of cities. Any city of the first, second or third class that, through municipal

ordinances regulating the installation of plumbing, adopts or has adopted the code promulgated by the board under KRS 318.130, may appoint a municipal plumbing inspector and deputy plumbing inspectors. The municipal inspector and deputy municipal inspectors shall have concurrent jurisdiction with the state plumbing inspectors within the boundaries of the city, in the enforcement of this chapter. In the event there is a disagreement between the municipal plumbing inspectors and the state plumbing inspectors as to whether certain construction meets the requirements of the State Plumbing Code, the matter shall be submitted to and decided by the Director of the Division of Sanitary Engineering of the State Department of Health. At the time of their appointment the municipal plumbing inspector and deputy inspectors shall be either registered master plumbers or registered journeyman plumbers and they shall have the same qualifications as the state plumbing inspectors. Nothing in this chapter shall prevent cities of the first, second or third class from collecting occupational license fees on either master or journeyman plumbers, or from collecting fees for the issuance of permits for the installation of plumbing fixtures.

Sec. 15. KRS 318.150 is amended and reenacted to read as follows:

Materials and methods to be used; water distribution and waste systems. (1) No person shall use unsafe or defective material in the work of plumbing or drainage. Only the best known methods of installing materials and fixtures, including supply pipes, waste, ventilation, soil and sewage pipes shall be employed.

(2) No person shall use light lead pipe, bends or traps or combination lead and iron or combination lead and brass ferrules, bends or traps. Only the best known methods of joining lead or iron pipes by the use of heavy cast brass ferrules, properly wiped with solder to lead, shall be employed.

(3) The board in adopting the plumbing code, rules and regulations provided by this chapter shall also prescribe a system of water distribution from source of supply to points of use, whereby there can be no back flow from other systems to the water distribution system because of different degrees of pres-

sure or back siphonage from any source to the water distribution system, and it shall further prescribe the waste and individual vent system of waste disposal in structures, limiting fixture trap branches to three feet and requiring not less than six inches of horizontal lead waste in each fixture trap branch, except floor drains below the first floor level, manufacturing drains, pool drains and special equipment drains. The trap seal shall be visible through floor drains.

Sec. 16. A new section of the statutes is created, to be numbered KRS 318.160 and to read as follows:

Inspection; cutting off water service. (1) All plumbing installations provided for under KRS Chapter 318 shall be inspected by a state plumbing inspector or municipal plumbing inspector.

(2) It shall be unlawful for any water system or service, after due notice by the State Board of Health or a state plumbing inspector to any owner or user of water and to such water system or service, to supply water to said owner or user during any period in which the owner or user is violating the provisions of KRS Chapter 318 or is maintaining defective or unapproved plumbing, or has refused to permit inspection of plumbing in any place under his control by a state or municipal plumbing inspector.

(3) The State Board of Health may adopt regulations as to notice and other matters necessary to carry out the provisions of this section. The board may enter into agreements with any water system or service providing for the discontinuance of water service to such violators of the provisions of KRS Chapter 318.

Sec. 17. A new section of the statutes is created, to be numbered KRS 318.170 and to read as follows:

Plumbing permits; fees and charges for permits and other privileges or services. The State Board of Health shall have authority to issue plumbing permits, without which plumbing installations shall not be made, and to assess and collect reasonable charges and fees for permits to install plumbing or

fixtures, and for making openings, and for inspections, applications and any other purposes it may deem advisable.

Sec. 18. A new section of the statutes is created, to be numbered KRS 318.180 and to read as follows:

Disposition and use of fees and charges. All fees and charges collected under the provisions of KRS 318.050 and 318.170 shall be deposited in the State Treasury to the credit of an agency fund for the exclusive use of the State Board of Health in the administration and enforcement of KRS Chapter 318. Such fund shall continue from year to year and no part thereof shall revert or lapse to the General Expenditure Fund.

Sec. 19. KRS 318.990 is amended and reenacted to read as follows:

Penalties; injunctions. (1) Any person who violates any of the provisions of this chapter shall be fined not less than twenty-five dollars nor more than one hundred dollars, or imprisonment in the county jail for not less than thirty days nor more than ninety days, or both so fined and imprisoned, and each day of violation shall constitute a separate offense.

(2) Continued violation of this chapter may be enjoined by an action in a court of competent jurisdiction in the name of the Commonwealth on relation of the State Board of Health.

Sec. 20. A license as a master plumber or journeyman plumber issued prior to the effective date of this Act under KRS Chapter 318, and in force and effect on the effective date of this Act, shall be deemed to be the same as the corresponding certificate or registration provided for under KRS Chapter 318 as amended by this Act, and the holder thereof shall be entitled to have the same renewed in the form of a certificate of registration, without examination, upon payment of the prescribed renewal fee.

By Mr. Hilton.

H. B. No. 406. AN ACT repealing, amending and re-enacting Section 337.020, Kentucky Revised Statutes, relating to payment of wages by corporations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 337.020 of the Kentucky Revised Statutes is amended to read as follows:

Every corporation for pecuniary profit doing business in this state shall, as often as weekly, pay to each of its employes all wages or salary earned by him to a day not more than ten days prior to the date of that payment. Any employe who is absent at the time fixed for payment, or who, for any other reason, is not paid at that time, shall be paid thereafter at any time upon three days demand. Any employe who leaves or is discharged from his employment shall be paid in full following his dismissal or voluntary leaving at any time upon three days demand. No corporation subject to this section shall, by any means, secure exemption from it. Every such employe shall have a right of action against any such corporation for the full amount of his wages due on each regular pay day.

H. B. No. 407. AN ACT relating to income taxes, amending Sections 141.020 and 141.060 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 141.020 of the Kentucky Revised Statutes is amended to read as follows:

Section 141.020 LEVY OF INCOME TAX ON INDIVIDUALS; RATES; INCOME OF NONRESIDENTS SUBJECT TO TAX. (1) An annual tax shall be paid for each taxable year by every resident individual of this state, upon his entire net income as defined in this chapter for purposes of taxation, at the following rates, less the tax credits as authorized by KRS 141.060:

(a) Two percent of the amount of net income not exceeding three thousand dollars.

(b) Three percent of the amount of net income in excess of three thousand dollars but not in excess of four thousand dollars.

(c) Four percent of the amount of net income in excess of four thousand dollars but not in excess of five thousand dollars.

(d) Five percent of the amount of net income in excess of five thousand dollars but not in excess of six thousand dollars.

(e) Six percent of the amount of net income in excess of six thousand dollars but not in excess of seven thousand dollars.

(f) Seven percent of the amount of net income in excess of seven thousand dollars.

(2) An annual tax shall be paid for each taxable year at the rates specified in subsection (1) of this section upon the entire net income, except as herein provided, from all tangible property located in this state, from all intangible property that has acquired a business situs in this state, and from business, trade, profession, occupation or other activities carried on in this state, by natural persons not residents of this state. A nonresident individual shall be taxable only upon the amount of income received by him from labor performed, business done or from other activities in this state, from tangible property located in this state, and from intangible property that has acquired a business situs within this state. The remainder of the income received by him shall be deemed nontaxable by this state.

(3) In the case of a nonresident who derives income taxable under this chapter from sources in this state, the Commissioner of Revenue shall require not to exceed five percent of his income to be withheld by the employer or other person making payments to the nonresident in order to satisfy the state's income tax claim. On failure to withhold the tax or to remit it to the department within thirty days, the employer or other person hereby charged with the duty of withholding the tax shall be personally liable for the tax and the penalty and interest thereon. After the nonresident has submitted his annual return and it has been audited, the department shall refund any overpayment with interest at six percent per annum from the date received until certified for refund.

Sec. 2. Section 141.060 of the Kentucky Revised Statutes is amended to read as follows:

Section 141.060 TAX CREDITS ALLOWED INDIVIDUALS. (1) The taxes due as computed under the provisions of KRS 141.020 or under the provisions of KRS 141.025 shall be credited with the following amounts:

(a) Twenty dollars, in the case of an unmarried individual;

(b) Fifty dollars, in the case of a married individual, living with husband or wife, and in the case of a head of a family. If such husband and wife make separate returns, the tax credit allowed by this subsection may be taken by either or divided between them;

(c) Ten dollars for each person, other than husband or wife, or the first dependent of a head of a family, dependent upon and receiving more than fifty percent of his support from the taxpayer during the taxable year for which the return is filed.

(2) If the status of a taxpayer, insofar as it affects the credits allowed under subsection (1) of this section, shall change during the taxable year, the tax credit shall be determined in accordance with the status maintained for a period of six months or more during the taxable year.

(3) In the case of nonresidents and of residents who receive credits on account of income taxes paid in other states, the tax deduction allowable under subsection (1) of this section shall be that proportion of those permitted therein that is represented by the ratio of the taxpayer's net income in this state to his total net income from all sources; or, if the taxpayer elects to pay the tax under KRS 141.025, as represented by the ratio of the taxpayer's adjusted gross income in this state to his total adjusted gross income from all sources.

By Mr. Smith.

H. B. No. 408. AN ACT relating to county judges, amending Section 30.150 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 30.150 of the Kentucky Revised Statutes is amended to read as follows:

(1) No county judge shall prepare any pleadings to be filed or used in the county or quarterly court of his own county, or practice law in any court of his own county having jurisdiction inferior to the county or quarterly court, or act as attorney in any case pending in a court of his own county by appeal from the quarterly or county court, or being or act as attorney in any suit in his own county involving the settlement of an estate of a decedent or the accounts of a fiduciary, but he may practice in any litigation in which he was employed before his election or appointment, or which grows out of or is appealed from any case in which he was then employed, or in any case in which he is personally interested.

(2) Notwithstanding the provisions of subsection (1) of this section, a county judge, who is an attorney in good standing, may bring or act as attorney in any suit in his own county involving probate proceedings. In such a case the county judge shall vacate the bench and the parties involved in the action may select by agreement a person to act as special judge for the trial of the action. If the parties cannot agree on a special judge, the attorneys of the court who are present and not interested in the action shall elect a person then present to serve. If neither the parties nor the attorneys elect a special judge, the clerk of the county court shall at once notify the circuit judge who shall appoint a person to serve as special judge. The special judge shall have the same qualifications as the regular county judge and shall be paid by the county with same manner and at the same rate per diem as that of the regular county judge.

By Mr. Bridgers.

H. B. No. 409. AN ACT to amend Section 339.230 of the Kentucky Revised Statutes relating to child labor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 339.230 of the Kentucky Revised Statutes is amended to read as follows:

339.230 **Minors between fourteen and sixteen, restrictions on employment of; special restrictions for females.** A minor who has passed his fourteenth birthday but is under sixteen years of age may be employed, permitted or suffered to work in, about or in connection with any gainful occupation, except:

(1) He may not be employed during school hours unless he has been found incapable of profiting by further instruction, as provided in KRS 339.290, and then only in such occupations as are authorized in accordance with that section, or unless he has graduated from high school.

(2) He may not be employed:

(a) In, about or in connection with any manufacturing or mechanical establishment.

(b) On or in connection with any power-driven machinery except under school supervision as provided in KRS 339.430.

(c) As a messenger for any person, firm or corporation engaged primarily in the business of transmitting or delivering goods or messages.

(d) In the manufacture, transportation, or use of explosives or highly inflammable substances; in or about mines or quarries; in any tunnel or excavation; in logging operations or in any sawmill, lath mill, shingle mill, or cooperage stock mill; as engineers, firemen, brakemen, or switchmen on any railroad; in the operation of motor vehicles; upon any scaffolding or in heavy construction work; in operating steam boilers carrying a pressure of fifteen pounds or more; in operating or assisting in operating elevators, cranes, derricks, or hoists; in operating or assisting in operating any punch presses or stamping machines, metal or paper cutting machines having a guillotine action, metal shears or plate bending machines, machines used for cold rolling of heavy metal stock, woodworking machines, grinding, abrasive or polishing machines, laundry or dry cleaning machines, calendar

rolls or mixing rolls in paper or rubber manufacturing, dough breakers or dough mixing machines or machines used for opening, picking or carding of cotton or wool; in ore reduction works; smelters, hot rolling mills; plant manufacturing iron and steel; foundries; forging shops, and in any other place in which the heating, melting, or heat treatment of metals is carried on; in the manufacture or use of dangerous or poisonous dyes or chemicals and their compounds, or in the manufacture of lead, or in exposure to lead or its compounds; in any occupation involving exposure to radioactive substances; in oiling or cleaning machinery in motion; in stone cutting or polishing; or in assorting, manufacturing or packing tobacco.

(e) In, about or in connection with any establishment where alcoholic liquors are distilled, rectified, compounded, brewed, manufactured, bottled, sold for consumption or dispensed (except he may be employed in places where the sale of alcoholic beverages by the package is merely incidental to the main business actually conducted), or in a pool or billiard room.

(f) In any place of employment, or at any occupation, that is hazardous or injurious to the life, health, safety or welfare of such minor.

(g) In a public bowling alley.

(3) A female minor of such age may not be employed in the distribution or sale of newspapers, magazines or periodicals, or in the street occupations of peddling or bootblacking or in any other occupation pursued in any street or public place.

By Mr. Moorman.

H. B. No. 410. AN ACT relating to Automobile Dealer's License Plates, amending Section 186.070 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 186.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every manufacturer of, or dealer in, motor vehicles in this state shall register with each county clerk in which his prin-

cipal office or place of business and any branch office or subagent or agency is located, and pay an annual registration fee of twenty-five dollars to each clerk. Upon the receipt of this fee, the clerk shall issue to the manufacturer or dealer a certificate of registration and one dealer's plate. Each manufacturer or dealer registered under this section shall be furnished not exceeding five additional dealer's plates upon the payment of one dollar for each additional plate, and five additional dealer's plates upon the payment of three dollars for each plate. Each manufacturer or dealer desiring dealer's plates in addition to the eleven above provided for may secure them by the payment of five dollars for each additional plate. Dealer's plates may be used only for the purpose of demonstrating motor vehicles for the purpose of sale by a member of the firm registered or by a bona fide salesman or employe of the firm, except the dealer and his wife and minor children and only the dealer, his wife or minor children may use one such plate on a motor vehicle for private use and at no time shall there be more than one dealer's plate in private use by the dealer, his wife or minor children.

(2) Each manufacturer and dealer when making application for dealer's plates shall file a verified statement with the clerk, giving the name and address of each member of the firm and each bona fide salesman or employe entitled to the use of the plates for demonstration purposes only. When any bona fide salesman or employe so registered is no longer in the employ of the firm, an amended verified statement shall be filed with the clerk showing that fact, and when any additional salesman or employes are employed, an amended verified statement showing their names and addresses shall be filed with the clerk so that the records in the clerk's office will at all times show the bona fide salesmen and employes actually in the service of the registered dealer or manufacturer.

(3) No person shall use any dealers plates for any purpose other than the demonstration of motor vehicles for the purpose of sale by a registered dealer or salesman except the dealer himself and his wife and minor children who may use one plate only for private use. This section shall not exempt any dealer or manufacturer from paying the required registration fees for

other additional motor vehicles owned by him or his firm and employed in uses other than demonstration or exhibition.

By Mr. Polsgrove.

H. B. No. 411. AN ACT relating to candidates for public positions and jobs.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No person shall be eligible to take an examination for the purpose of filling a civil service or merit system position or job with the Commonwealth of Kentucky or any of tis political subdivisions unless he has been an actual, bona fide resident of the Commonwealth for at least five consecutive years immediately preceding the date of the examination.

By Mr. Mackey.

H. B. No. 412. AN ACT amending Sections 262.030, 262.040, 262.070, 262.090, 262.095, 262.150, 262.200, 262.220 and 262.240 of the Kentucky Revised Statutes, relating to the State Soil Conservation Committee and Soil Conservation Districts, and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 262.030 of the Kentucky Revised Statutes is amended to read as follows:

262.030. Committee; membership. The State Soil Conservation Committee shall consist of the following: the Commissioner of Conservation, the Commissioner of Agriculture, Labor and Statistics, the Director of the Agricultural Experiment Station, the Director of Vocational Education, or the designated representatives of those officials, and a representative farmer appointed by the Governor for a term of four years. The committee may invite the United States Secretary of Agriculture to appoint one person to serve with the members as an advisory mem-

ber of the committee. The committee shall be a part of the Department of Conservation, and for purposes of administration shall function through the office of the Commissioner of Conservation.

2. Section 262.040 of the Kentucky Revised Statutes is amended to read as follows:

262.040. Chairman of committee; hearings; quorum. The Commissioner of Conservation shall be chairman of the committee. The committee shall hold such meetings as are necessary to carry out this chapter. A majority of the committee shall constitute a quorum, and the concurrence of a majority in any matter within the duties of the committee shall be required for its determination.

3. Section 262.070 of the Kentucky Revised Statutes is amended to read as follows:

262.070. State agencies to assist. The Department of Conservation shall provide the committee with such technical assistance, clerical help and other services necessary to carry out the functions of the committee. The committee may delegate to its chairman, to one or more of its members or one or more agents or employes such powers and duties as it deems proper. Upon request of the committee, for the purpose of carrying out any of its functions, the supervising officer of any state agency or of any state institution of learning may assign personnel to the committee for the purpose of making such special reports, surveys or studies as the committee requests.

4. Section 262.090 of the Kentucky Revised Statutes is amended to read as follows:

262.090. Functions of committee. The committee shall:

(1) Supervise the organization and discontinuance of soil conservation districts.

(2) Supervise the appointment and election of members of soil conservation district boards of supervisors.

(3) Secure the cooperation and assistance of other agencies of the federal, state and local governments in the development of a complete soil conservation program.

(4) Perform such acts and promulgate such regulations as may be necessary to carry out its functions.

5. Section 262.095 of the Kentucky Revised Statutes is amended to read as follows:

262.095. Appropriations; how used. Appropriations out of the State Treasury to finance the program of the State Soil Conservation Committee shall be paid out directly on the orders of the chairman, and shall be used to pay the expenses of the committee.

6. Section 262.150 of the Kentucky Revised Statutes is amended to read as follows:

262.150. Committee to appoint two district supervisors; qualifications.

(1) If the committee determines that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, it shall appoint two supervisors to act with the three supervisors elected as provided by KRS 262.220.

(2) The two supervisors appointed under subsection (1) shall be persons who by training and experience are qualified to perform the services required of them by this chapter, and they shall serve until supervisors are elected at the next regular election of supervisors as provided for under KRS 262.240.

7. Section 262.200 of the Kentucky Revised Statutes is amended to read as follows:

262.200. Nature of districts; governing body. (1) A district shall constitute a governmental subdivision of the state and a public body corporate and politic, exercising public powers.

(2) The governing body of the district shall consist of a board of five supervisors. On organization of a district, the first two supervisors shall be appointed by the committee as provided in KRS 262.150, and three shall be elected under KRS 262.210 and 262.220. The supervisors shall hold no other city, county or state elective office.

(3) The board may sue and be sued in the name of the district; have a seal, which shall be judicially noticed; have per-

petual succession unless terminated as provided in KRS 262.530 to 262.560; make and execute contracts and other instruments necessary or convenient to exercise its powers.

(4) The board may call upon the Attorney General for such legal services as it may require.

8. Section 262.220 of the Kentucky Revised Statutes is amended to read as follows:

262.220. Conduct of election for supervisors. Upon the organization of a district, the committee shall give due notice of an election of three supervisors to serve until supervisors are elected at the next regular election of supervisors as provided for under KRS 262.240. The names of all nominees on behalf of whom nominating petitions have been filed under KRS 262.210 shall be printed, arranged in the alphabetical order of the surnames, upon ballots, with a square before each name and a direction to insert an X mark in the square before any three names to indicate the voter's preference. Only owners of lands lying within the district shall be eligible to vote in the election. The three candidates who receive the largest number, respectively, of the votes cast in the election shall be elected supervisors for the district. In the event nominating petitions for only three supervisors are filed, the committee shall declare the three nominees elected without holding an election as herein provided. The committee shall supervise the conduct of the elections provided for in this act, shall prescribe regulations governing the conduct of such elections and the determination of the eligibility of voters and shall publish the results of the elections. The expenses of the elections shall be paid out of funds available to carry out the functions of the committee.

9. Section 262.240 of the Kentucky Revised Statutes is amended to read as follows:

262.240. Supervisors; term; vacancies; compensation; removal.

(1) The term of office of each supervisor shall be four years, except that supervisors who are appointed or elected from the effective date of this act until the first Tuesday after the first Monday in November, 1952, shall serve only until December 31,

1952. On the first Tuesday after the first Monday in November, 1952, and every four years thereafter on that date there shall be an election of five supervisors, to serve for a term of four years beginning on the first day of January following their election. Nominating petitions for supervisors shall be filed with the committee not less than forty-five (45) days prior to the day of the election. No such nominating petition shall be accepted by the committee unless it is signed by twenty-five (25) or more owners of land lying within the boundaries of the district. Landowners may sign more than one nominating petition to nominate more than one candidate for supervisor. In the event nominating petitions for only five supervisors are filed, the committee shall declare the five nominees elected without holding an election. The election shall be conducted by the committee as provided for under KRS 262.220.

(2) A supervisor shall hold office until his successor has been elected and has qualified. Vacancies shall be filled for the unexpired term by appointment by the committee.

(3) A supervisor may be reimbursed for expenses necessarily incurred in the discharge of his duties and may be paid a per diem for attending meetings or otherwise discharging the obligations of his office.

(4) Any supervisor may be removed by the committee upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

10. Whereas, soil conservation districts are now being formed and are in operation and it is important that the changes in this act be put into operation immediately for the benefit of the soil conservation district program, an emergency is hereby declared to exist and this act shall become effective from and after its passage and approval by the Governor.

By Mr. Hanratty.

H. B. No. 413. AN ACT relating to personnel in state service.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, unless the context otherwise requires, the terms "agency", "employee", "position", and "state service" have the meaning given them by KRS 12.010.

Sec. 2. There is established within the Division of Personnel of the Department of Finance a merit personnel system, which shall embrace such state agencies, or positions or classes of positions within state agencies, as are brought within the system by virtue of or pursuant to the provisions of Section 7 of this Act.

Sec. 3. Except as inconsistent with the provisions of this Act, all provisions of KRS 42.110 to 42.150 shall be applicable to the state agencies, positions or classes of positions embraced within the merit personnel system.

Sec. 4. The merit personnel system shall be administered by the Director of the Division of Personnel, under the direction of the Commissioner of Finance, and he shall exercise all of the functions of the system except as otherwise delegated in this Act.

Sec. 5. (1) Within the structure of the merit personnel system, and attached to the Division of Personnel for that purpose, there shall be a Merit System Board, composed of five citizens of Kentucky, in sympathy with the principles of merit systems in public service, to be appointed by the Governor. The members shall be appointed for terms of four years, and until their successors are appointed and have qualified, except that of the first members appointed one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and two for a term of four years. Vacancies occurring prior to the expiration of a term shall be filled for the unexpired term by appointment by the Governor.

(2) No member of the Merit System Board shall hold any other state office or be a state employee, or be an officer of any political party or an officer of any partisan political club or organization, or shall have been a candidate for any elective public

office within one year prior to appointment. Appointments shall be made without regard for any political considerations.

(3) The Director of the Division of Personnel shall be ex-officio secretary of the board, but shall not be a member.

(4) Each member of the board shall receive a per diem of fifteen dollars and reimbursement of actual and necessary travel and other expenses when attending meetings of the board and attending to the business of the board.

(5) The board may adopt rules governing its meetings and procedures, and shall elect its own chairman for a term of one year. The board may appoint referees for the purpose of conducting hearings and for other purposes as required by the board.

Sec. 6. The Merit System Board shall hear and decide appeals under the provisions of Section 10 of this Act, and shall exercise such other functions as may be delegated to it by executive order of the Governor pursuant to Section 11 of this Act.

Sec. 7. (1) Subject to the provisions of subsection (3) of this section, there shall be embraced within the merit personnel system all positions or classes of positions which, on January 1, 1950, were covered by existing merit systems in the Department of Economic Security, Department of Health, Department of Welfare and Department of Kentucky State Police.

(2) As a means of providing for an orderly development of the merit personnel system and to secure to the state the benefits of merit coverage for the classifications or positions of employes determined by administrative discretion to be most important or necessary, authority to extend the merit personnel system is hereby granted to the Governor. Subject to the provisions of subsection (3) of this section, any state agency or any position or class of positions in any state agency may be brought within (but not removed from) the merit personnel system by executive order of the Governor, subject, in the instance of the Department of State, the Department of Law, the Department of the Treasury, Auditor of Public Accounts, the Department of Agriculture, Labor and Statistics, the Department of Education, the employes of the Clerk of the Court of Appeals, the employes

of the Court of Appeals, and the employes of the Railroad Commission, to the approval of the head of the department concerned.

(3) The merit personnel system shall not embrace positions filled by popular election, positions which by law are filled by appointment by the Governor, positions involving seasonal or part-time employment, or positions customarily compensated on the basis of an hourly, daily or weekly wage rather than a monthly or annual salary. Subject to the provisions of Section 8 of this Act, the merit personnel system shall not embrace the classification of Division Director of any department or State Highway Engineer or District Engineer of the Department of Highways, but any person appointed as a Division Director or State Highway Engineer or District Engineer of the Department of Highways who has previously held tenure status in another position or who has served or qualified or qualifies to serve in a position entitling him to tenure status shall hold tenure status in such position, and shall automatically revert to such position if removed as a Division Director or State Highway Engineer or District Engineer.

Sec. 8. (1) Any employe holding a position in an existing merit system (as defined in Sub-section (1) of Section 7 of this Act) on the effective date of this act shall be transferred to the merit personnel system without any change in type of appointment, rights or privileges held in such existing merit system.

(2) Any employe holding a position that is embraced within the merit personnel system and who has held such position for one year immediately prior to the date such position was brought within the system as fixed by executive order of the Governor for positions brought in under sub-section (2) of Section 7, shall be deemed to have tenure status. Any other employe holding a position at the time it is embraced within the merit personnel system, excluding employes holding provisional emergency or temporary appointments, shall be deemed to be in probationary status and shall remain in such status for such period of time as may be fixed by the Director of the Division of Personnel pursuant to the provisions of Section 9 of this Act, except that such period, in the case of an employe who has held the position for more than six months prior to the date the position became em-

braced in the merit personnel system, shall not extend more than three months beyond that date.

Sec. 9. (1) Appointments to positions embraced within the merit personnel system, other than that of an officer of the Department of Kentucky State Police, shall be made in accordance with the provisions of KRS 42.110 to 42.150. Appointments in the case of officers of the Department of Kentucky State Police shall be made in accordance with KRS 16.010 through 16.180. Any employe appointed to such a position on other than a provisional, emergency or temporary basis, after such position has been brought within the system, shall occupy probationary status for such period, not to exceed twelve months from the date of his appointment, as is fixed by regulations applicable to the position prescribed by the Director of the Division of Personnel; provided, however, that an officer of the Department of Kentucky State Police shall occupy probationary status in accordance with KRS 16.140 (11). The director shall fix probationary periods, by regulations, for each class of position, on recommendation of the appointing authorities. At any time during the probationary period, the appointing authority may remove an employe having probationary status, if, in the opinion of the appointing authority, the work of the employe indicates that the employe is unable or unwilling to perform his duties satisfactorily or that his habits and dependability do not merit his continuance in service. Upon the removal, the appointing authority shall forwith report to the Director of the Division of Personnel and to the employe removed, his action and the reason therefor.

(2) The Director of the Division of Personnel may remove an employe during his probationary period if he finds, after notice and an opportunity for hearing, that the employe was appointed as a result of fraud or error.

(3) Ten days prior to the expiration of an employe's probationary period, the appointing authority shall notify the Director of the Division of Personnel in writing, with a copy to the employe, whether the services of the employe have been satisfactory and whether he will continue the employe in his position. Persons so continued shall have tenure status.

(4) If an employe is removed from his position during or at the end of his probationary period, and the Director of the Division of Personnel determines that he is suitable for appointment to another position, his name may be restored to the employment list for the position or class of position in question. If any such employe was an employe with tenure status in another position in the merit personnel system immediately prior to his appointment to the position from which he has been removed, his name shall be placed on a reemployment list for the former position or class of position.

Sec. 10. (1) Any employe having tenure status in a position embraced in the merit personnel system, who is dismissed or demoted or who is suspended for more than thirty days in any one year, may, within thirty days after such dismissal, demotion or suspension, appeal to the Merit System Board for review thereof. Upon such review, both the appealing employe and the appointing authority whose action is reviewed shall have the right to be heard and to present evidentiary facts. On the hearing of such appeals, the technical rules of evidence shall not apply.

(2) If the Merit System Board finds that the action taken by the appointing authority was not justified, it shall submit its finding to him and recommend reinstatement of the employe. On failure of the appointing authority to reinstate the employe within thirty days after receipt of the recommendation, or upon an express refusal to reinstate him, the Merit System Board shall direct the Director of the Division of Personnel to place the employe's name at the top of an appropriate re-employment list for the same class of position, for future appointment by some other appointing authority.

(3) Nothing in this section shall apply to employes covered by the provisions of subsection (1) of KRS 196.390, or officers of the Department of State Police covered by the provisions of KRS 16.140, 16.150, 16.160 and 16.170, and the disciplinary procedure and right of appeal set forth in those sections are hereby retained.

Sec. 11. When necessary in order to comply with Federal laws or regulations placing conditions or restrictions upon the

granting or allotment of federal funds to a state agency, the Director of the Division of Personnel, with the approval of the Commissioner of Finance, may prescribe separate or supplemental rules and regulations for a particular agency or position or class of positions within an agency, governing appointment procedures, probationary periods, provisional or temporary appointments, exempt positions, promotions, dismissals, lay-offs, and other matters related to federal standards. For the same purpose, the Governor, by executive order, may transfer to the Merit System Board any powers conferred by this Act upon the Director of the Division of Personnel.

Sec. 12. Where an employe having tenure status in a position embraced in the merit personnel system is laid off by reason of shortage of work or funds, or the abolition of a position or other material change in the duties or organization of an agency, his name shall be placed on an appropriate reemployment list for the position or class of position which he held.

Sec. 13. The Merit System Board, each member of the Board, referees appointed by the Board, and the Director of the Division of Personnel shall each have power to administer oaths, subpoena witnesses and compel the production of books and papers pertinent to any investigation or hearing, authorized by this Act. If any person fails to appear in response to such a subpoena or fails or refuses to testify or to produce any books or papers pertinent to such investigation or hearing, the Franklin Circuit Court, on application, may compel obedience by proceedings for contempt as in case of disobedience of a subpoena issued by the circuit court or a refusal to testify therein. The fees of witnesses for attendance and travel shall be the same as for witnesses in circuit court and shall be paid from appropriations available for the expenses of operation of the merit personnel system.

Sec. 14. Funds appropriated to the Department of Finance by the General Assembly for the fiscal year 1950-51 and the fiscal year 1951-52 for the administration of the Division of Personnel shall be available for the administration of this act. Funds appropriated by the General Assembly for the 1950-51 and 1951-52 fiscal years to any state department for the administration of a

separate merit system are hereby transferred to the Department of Finance for use by the Division of Personnel in the administration of this act. From and after July 1, 1950 all agencies of the state government with employes covered within the merit personnel system shall contribute their prorata share of the cost of the administration of this act. Regulations for the transfer of such funds shall be made by the Commissioner of Finance, with the approval of the Governor.

Sec. 15. Nothing in this act shall be construed to affect the provisions of Chapter 150 of the Kentucky Revised Statutes, relating to the Division of Game and Fish.

H. B. No. 414. AN ACT relating to a State Retirement System for employes including necessary appropriations for same.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. DEFINITIONS. As used in this Act, the following words and phrases, unless a different meaning is plainly required by the context, shall have the following meaning:

(a) "Retirement System" means the "State Employe Retirement System", created by this Act.

(b) "Board" means the "State Employe Retirement Board", as provided in this Act.

(c) "State" means the Commonwealth of Kentucky.

(d) "Employe" means any person who is or was regularly employed on a salary basis in the service of, and whose compensation is or was payable by any Department of the State, but does not include any person performing services on an hourly wage, contractual, fixed fee, temporary, or percentage basis.

(e) "Employer" means any Department of the Commonwealth of Kentucky.

(f) "Member" means any person included in the membership of the Retirement System,

(g) "Current Service" means service as an employe after the date the employe becomes a member of the Retirement System.

(h) "Prior Service" means service as an employe prior to his acquisition of membership, but not including any probationary service. Provided further, that the period of time any employe was out of active service by reason of being transferred to employment with the United States Employment Service during the national emergency shall, for the purpose of this Act, be considered as service, if such employe returned to employment of a Department by re-transfer from the United States Employment Service.

(i) "Service" means service as an employe without regard to the date of such service.

(j) "Beneficiary" means any person entitled to receive a retirement allowance or any benefit provided by this Act.

(k) "Employe's Accumulated Contributions" means the sum of all amounts deducted from the salary of, or paid by a member, and credited to his account, together with regular interest on such amounts.

(l) "Average Compensation" means the average annual earned compensation of a member during the five year period of his service in which he received his highest compensation.

(m) "Retirement Allowance" means the payments made under this Act to retired or disabled members.

(n) "Department" means a Department or other agency of the Commonwealth of Kentucky, any employes of which have acquired tenure status.

(o) "Tenure Status" means the status of an employe holding a position embraced within the Merit Personnel System, who has held such position for the required probationary period.

SECTION 2. SYSTEM ESTABLISHED. There is hereby created and established, as of October 1, 1950, a State Employe Retirement System, which shall provide retirement and disability benefits to State employes, their dependents and beneficiaries,

in accordance with this Act and pursuant to regulations adopted hereunder.

SECTION 3. BOARD.

(a) The Retirement System shall be administered by the State Employe Retirement Board, which shall organize and begin to function at Frankfort on July 1, 1950, and shall meet as often thereafter in Frankfort as may be determined by the Board. The Board shall consist of the State Treasurer, the Commissioner of Finance, and the Attorney General, who shall be ex officio members, three members of the Retirement System, and one citizen-member not employed by the Commonwealth, all of whom shall be appointed in the first instance by the Governor, to serve one for one, one for two, one for three, and one for four year terms, beginning as of July 1, 1950, respectively. Thereafter, as terms expire, the members of the Retirement System shall elect the employe-members of said Board, each Board member to be elected for a four year term by a majority of the members voting in elections to be held according to regulations to be prescribed by the Board. Not more than one employe-member shall be an employe of any one department. The citizen-member shall be appointed by the Governor. All vacancies on the Board shall be filled by appointment for unexpired terms by the Governor. All members shall take the Constitutional oath before entering upon the duties of their office.

(b) Members of the Board shall receive no salary as such, but shall be reimbursed for the actual expenses incurred by them in the performance of their duties.

(c) The Board shall elect a chairman and vice-chairman; shall appoint an executive secretary, who shall be the secretary and administrative officer of the Board; shall contract with or employ actuaries, investment counselors, physicians, and such other employes as it deems necessary, and fix their compensation; shall require all employes handling money or securities to execute bond for the faithful performance of their duties, paying the cost of premiums of such bonds from the expense fund under the control of said Board; shall establish a system of accounting and shall do all things, take all actions, and make all rules and regulations, not inconsistent with the provisions of this Act, that it

deems necessary or proper in order to implement the establishment of the State Employe Retirement System and provide for its continued operation.

(d) As of June 30, the end of each fiscal year, the Board shall prepare and publish in pamphlet form a financial report which shall include a balance sheet and an operating statement. Its proceedings and records shall be opened to inspection by the public.

SECTION 4. ACTUARIAL EVALUATION. As soon as practicable after its organization, the Board shall cause an investigation to be made of the mortality, service, and salary experience of State employes on the basis of which it shall adopt such mortality and service tables as are necessary for the administration and continuance of the Retirement System. Separate tables may be adopted, based upon sex, age, classification of position, or other generally accepted actuarial factors. On the basis of such tables, the Board shall prescribe the rates of contributions, and shall determine the retirement allowance.

At least once in each five year period, after the establishment of the Retirement System, the Board shall cause an actuarial investigation to be made of the mortality, service, and salary experience of members of the Retirement System, and an evaluation of the funds under its control. Pursuant to such investigation and evaluation, the Board shall, from time to time, revise the mortality and service tables and the rates of contribution prescribed pursuant thereto; provided, however, that no change in the rates of contributions to be made by the employes shall be made more than once in each two year period.

SECTION 5. MEMBERSHIP.

(a) The following employes, after they shall have acquired tenure status, shall be eligible for membership in the Retirement System:

1. Persons who become employes or re-enter service after the effective date of this Act;

2. Persons who are employes on the effective date of this Act;

3. The full-time staff of the Retirement System itself.

(b) Any person who enters the employment of the Commonwealth after the effective date of this Act, and who then or thereafter secures tenure status, shall become a member of the Retirement System, as a condition of his employment or re-employment.

(c) Any person in the employ of the Commonwealth or on leave of absence from such employ on the effective date of this Act, who acquires tenure status on such date or thereafter, may, within thirty days after he acquires such status, file with the Board on forms prescribed by it, a notice of his election not to be included in the membership of the Retirement System, and the Board shall exclude him from membership. Any employe so excluded may thereafter become a member by making application to the Board, but no such employe shall receive any prior service credit.

(d) The membership of an employe in the Retirement System shall cease upon the withdrawal of the member's accumulated contributions, but no such withdrawal shall be made except by reason of death or termination of employment in tenure status; provided, however, that if an employe does not withdraw his accumulated contributions upon termination of such employment, he may continue his membership without contribution by employe or employer, for a period which shall not exceed five years; if within that period he re-enters employment with tenure status, he shall be eligible for reinstatement in the Retirement System with all his previous credit.

SECTION 6. PRIOR SERVICE. Any employe who, upon the acquisition of tenure status, has served for more than five years in the employ of the Commonwealth, shall, upon becoming a member of the Retirement System, be granted prior service credit. The number of years prior service shall be computed by deducting five years from the total number of years of full-time employment by the Commonwealth, but in no case shall any member be entitled to more than twenty-five years prior service credit. Fractions less than one-half year shall be disregarded, and no contribution shall be required of any member for prior service credit. The Board shall make a study to de-

termine what factor should be employed in computing the retirement allowance for prior service, and shall report its findings to the Legislative Research Commission by November 1, 1951. The Legislative Research Commission shall recommend a factor for adoption by the regular session of the General Assembly in 1952.

SECTION 7. EMPLOYE CONTRIBUTIONS; PAYROLL DEDUCTIONS. (a) In accordance with Section 4 of this Act, the Board shall determine the proportion or percentage of the compensation for current service of all members required as the employe's contribution toward his retirement allowance, but in no event shall such contribution amount to more than five per centum of a member's compensation. The Board may fix separate rates of contributions necessitated by differences in age, sex, classification of positions, or other accepted actuarial factors. From October 1, 1950, until July 1, 1951, the rate of such contribution shall be five per centum of each member's compensation.

(b) The Board shall certify to the Commissioner of Finance and the employer in case of all employes paid by warrants on the State Treasurer, the proportion or per centum to be deducted from the compensation of each member, and the Commissioner of Finance or employer, as the case may be, shall cause to be deducted from the salary of each member on each and every payroll for each and every payroll period the proportion of the member's compensation so certified. All sums so deducted shall be deposited with the State Treasurer, in the manner prescribed by law, to the credit of the retirement fund.

(c) In determining the amount earned by a member in a payroll period, the Board may consider the rate of compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, or it may omit deduction from compensation for any period less than a full payroll period if an employe was not a member on the first day of the payroll period; and, to facilitate the making of deductions, it may modify the deduction required as to any member by an amount which shall not exceed one-tenth of

one per centum of the annual salary from which said deduction is to be made.

(d) The deduction provided for health shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made as provided herein; and payment of salary or compensation, less said deductions, shall be a full and complete discharge of all claims for service rendered by such person during the period covered by such payments, except as to benefits provided by this Act.

(e) No payroll deductions and no contributions are required except during the period when the member is actually a full-time employe of a Department.

SECTION 8. EMPLOYER'S CONTRIBUTION. (a) Effective October 1, 1950, the employer shall pay into the retirement fund an amount equal (except as hereinafter provided) to such percentage of the compensation for current service of all members in his employ as shall be contributed by the members pursuant to Section 7 thereof on the basis of the actuarial evaluation set forth in Section 4 of this Act, to be known as the employer's current service contribution. The percentage contribution for current service by the Department of Kentucky State Police may be greater than an amount equal to the contribution of officer-members employed by that Department, but in no event shall such contribution amount to more than ten per cent of compensation for current service and shall be sufficient to permit the establishment of a retirement allowance recognizing a lower retirement age in that Department, as hereinafter provided, and to provide on an actuarially sound basis for other benefits arising from the hazardous nature of police work.

Such payment shall be authorized by the employer at the same time that the payroll providing the employe's contribution is forwarded to the Department of Finance.

In addition to the current service contribution, the employer shall make an additional contribution for prior service in accordance with the terms of Section 6 of this Act.

(b) Beginning with the fiscal year 1952-53, participating Departments are authorized to make available from funds appropriated to them, as a proper cost of administration of such Departments such funds as are necessary to meet the provisions of this Act. For the fiscal years 1950-51 and 1951-52, employer's contributions shall be provided for by the appropriations set out in Section 15 of this Act.

SECTION 9. RETIREMENT AFTER SERVICE. After July 1, 1952, any member other than an officer of the Department of Kentucky State Police, who has attained the age of sixty-five years and has complied with all other requirements of this Act, may retire from service upon written application to the Board. Any member who is an officer of the Department of Kentucky State Police, and who has attained the age of fifty-five years and complied with all other requirements of this Act, may retire upon written application to the Board. The filing of an application shall retire the member at the end of the fiscal year in which it is filed. After July 1, 1952, any member other than an officer of the Department of Kentucky State Police shall be automatically retired at the end of the fiscal year in which he attains the age of seventy years; in the case of officers of the Department of Kentucky State Police, the age shall be sixty years. However, until July 1, 1955, on special request by the member and by the head of his Department, a member who has attained the automatic retirement age may be continued in service for a period of two years following each such request.

The Board may permit retirement at earlier ages for any classifications of positions, provided, in the case of an officer-member of the Department of Kentucky State Police, the member has completed twenty-five years credited service, and in the case of other Departments, thirty years.

Notwithstanding any other provisions of this Act, any member who separates from service prior to retirement after completing twenty or more years of credited service, and who leaves his total accumulated contributions in said system, shall have the right to retire upon written application upon attaining the permissive retirement age established herein, notwithstanding the fact that said member does not have the status of a member in service at the time his application for retirement is filed.

Upon retirement, as provided in this Section, a member shall receive during the remainder of his life an annual retirement allowance, payable monthly in equal installments, in an amount determined in accordance with this Act and such rules and regulations as may be adopted by the Board.

The annual retirement allowance of any member shall not exceed a sum equal to one-half of his average compensation.

In the case of death of a member who has retired by reason of superannuation or disability, any portion of the member's contributions (including interest, as in the case of a withdrawal, to the date of retirement) that has not been paid as an allowance or benefit shall be paid to the member's estate in such manner as the Board may elect.

SECTION 10. DISABILITY RETIREMENT.

(a) Any member who has been injured in line of duty, or who has paid employe's contributions for five years or more and has become disabled from any cause, upon the application of the head of the Department, or upon his own application, with the approval of the head of the Department, may be retired on a disability retirement allowance; provided the Board, pursuant to regulations to be adopted by it, is satisfied that such member is mentally or physically incapacitated for further performance of duty and that such incapacity is likely to be permanent.

(b) Upon retirement on account of disability, a member shall receive an annual disability retirement allowance, payable monthly in equal installments, in an amount determined in accordance with this Act and such rules and regulations as may be adopted by the Board; but in no case shall such allowance exceed the amount which would be allowed for retirement after service for the same number of years; provided, however, that an officer-member of the Department of Kentucky State Police who is disabled in line of duty shall receive a monthly disability retirement equal to fifty per centum of his average compensation less any Workmen's Compensation payments received by him.

(c) All persons granted a disability retirement allowance shall undergo such physical examinations from time to time as the Board may require, and any disability beneficiary who has

not yet attained the permissive retirement age or completed thirty years of service and who refuses to submit to such examination shall forfeit his right to draw any retirement allowance; and the same shall be discontinued. A member retired on a disability retirement allowance shall submit to the Board, for such period as the Board may require, sworn statements of all income for labor, service, or employment performed by such member.

(d) Whenever the Board shall find that any disability beneficiary is engaged in or is able to engage in gainful occupation or work, or is receiving Workmen's Compensation for permanent disability or both, paying more than the difference between his disability retirement allowance and his average compensation, the Board shall reduce his disability retirement allowance so that such allowance plus the amount which he earns or is able to earn, or receives from Workmen's Compensation, equals the amount of his average compensation. Should the earning capacity of any beneficiary be changed the Board may further modify the amount of his disability retirement allowance. A beneficiary restored to active service, at a salary less than the average compensation upon the basis of which he was retired, shall not be deprived of his disability allowance unless and until such salary is increased to an amount equal to or greater than the compensation upon the basis of which he was retired on a disability allowance.

(e) Should a disability beneficiary, under his minimum service retirement age, be restored to service in tenure status at a salary equal to or greater than his average compensation upon the basis of which he was retired, his disability retirement allowance shall cease and he shall again become a member of the Retirement System, and shall contribute thereafter at the rate then in effect. In computing the service time of such restored member no credit shall be allowed for the time during which he was paid a disability service allowance.

SECTION 11. WITHDRAWAL BEFORE RETIREMENT; FORFEITURE OF CONTRIBUTIONS. Should a member, after three months membership but before being eligible for retirement under the provisions of Section 9 of this Act, cease to be a member other than by reason of death or by retirement

under other provisions of this Act, he shall be paid, if he demands it, the amount of his employe's accumulated contributions plus regular interest less one-half the cost of administration of his account; provided, however, that the Board by regulation may prescribe that no interest shall be payable if separation occurs within five years from the date the employe became a member of the system. The rate of regular interest shall be fixed by the Board and in no instance shall exceed the rate of interest currently being realized by the Board. In such cases a former employe must demand within one year from the time his membership ceases that his employe's accumulated contributions, plus allowable interest, be paid to him; otherwise, three months after notice mailed to him at his last known address, his account will be closed, and all funds remaining therein will be credited to the general Retirement System fund. Should a member die at any time before retirement, the amount of his employe's accumulated contributions, plus interest as above provided, shall be paid to his estate or designated beneficiary. Any beneficiary so designated may be changed by written designation, signed, acknowledged, and filed with the Board.

SECTION 12. EXPENSE FUND. There is hereby created an expense fund from which shall be paid the costs of administering this Act.

SECTION 13. RETIREMENT FUND.

(1) There is hereby created a special fund to be known as the Retirement Fund which shall be administered separate and apart from all public money or funds of this State, and which shall not lapse. This fund shall consist of:

(a) All employe contributions required under this Act;

(b) All employer contributions required under this Act;

(c) Interest earned upon any money in the fund;

(d) Any property or securities acquired through the use of money belonging to the fund;

(e) All earnings of such property or securities; and,

(f) Any gift, donation, or appropriation to the fund.

(2) Money shall be disbursed from the fund solely for the payment of retirement allowances, disability retirement allowances, and refunds of accumulated employe's contributions and interest in accordance with regulations prescribed by the Board.

(3) The revolving fund created by K.R.S. 16.110 shall be applied by the Department of Kentucky State Police towards the employer's contribution required of it by this Act.

SECTION 14. MANAGEMENT OF FUNDS.

(a) The Board shall be the trustee of the Retirement fund created by this Act and shall have full power to disburse, to invest and to re-invest such fund, subject to the limitation that no investment shall be made except upon the exercise of bona-fide discretion, and in securities which at the time of making the investment are, by statute, permitted for the investment of capital, surplus and accumulations of domestic life insurance companies by K.R.S. 296.250, Sub-sections (1), (2), (3), (5), (7), (8) and (9), and K.R.S. 386.050, and which are permitted for investment by an insurer under the terms of K.R.S. 304.404 to 304.413, and 304.428, if those sections are enacted into law by the 1950 session of the General Assembly. Subject to such limitations, the Board shall have full power to hold, purchase, sell, assign, transfer, or dispose of any of the securities or investments in which such fund has been or may be invested, as well as of the proceeds of such investments and any monies belonging to the fund.

(b) The State Treasurer shall be the custodian of the Retirement fund. All payments authorized by the Board from said fund shall be made by him on warrant of the Commissioner of Finance, on vouchers issued and signed by such person as is designated by the Board. A duly attested copy of a resolution of the Board designating such person and bearing on its face the specimen signature of such person shall be filed with the Commissioner of Finance as his authority for issuing warrants upon such vouchers.

(c) The Board shall allow to the Retirement fund regular interest, from the interest and dividends earned from investments.

(d) The regular interest shall be at such rate, compounded

annually, as shall be determined by the Board on the basis of average balances and interest earnings of the Retirement System for the preceding year and of the probably earnings to be made, in the judgment of the Board, during the immediate future; and during the first year of operation of the Retirement System one per centum shall be treated as the regular interest rate.

(e) No member of the Board and no employe of the Board shall have an interest direct or indirect, in the gains or profits of any investment made by the Board save insofar as any such member may be a member or beneficiary of the Retirement System, and no member of the Board shall receive, directly or indirectly, any pay or emolument for his services except as expressly provided in this Act. No member of the Board or employe thereof shall, directly or indirectly, for himself or as an agent, in any manner use the funds or deposits of the Retirement System, except to make such payments therefrom as are authorized by the Board, nor shall any member or employe of the Board become an endorser or surety or in any manner an obligor for monies loaned by or borrowed from the Board.

(f) For the purpose of meeting disbursements for retirement allowances and other payments there may be kept available sufficient cash. The State Treasurer shall be responsible on his official bond for all cash and securities in his custody.

SECTION 15. APPROPRIATION OF FUNDS. Beginning in 1951, the Board shall biennially certify to the Department of Finance as provided in K.R.S. 45.070 the estimated amounts each Department will have to make available in order to meet the provisions of this Act during the biennium next following. The amounts so ascertained shall be included in the appropriation bill for the Departments, and the Commissioner of Finance shall make said funds available to the Board as set out in Section 8 of this Act.

Notwithstanding any provisions of K.R.S. 45.230 and notwithstanding any other provision of the Kentucky Revised Statutes, all appropriations to the State Employe's Retirement Board for deposit in the Retirement Fund shall not lapse at the end of any fiscal year but shall be available for expenditure pursuant to the provisions of this Act during any succeeding year.

There is hereby appropriated to the State Employe's Retirement Board out of the General Expenditure Fund for the fiscal year beginning July 1, 1950, and ending June 30, 1951, and for the fiscal year beginning July 1, 1951, and ending June 30, 1952, the sum of $25,000 for each of such fiscal years for deposit in the expense fund to be used for expenses of operation of the Board.

In addition to the foregoing appropriation, there is hereby appropriated to the State Employe Retirement Board out of the General Expenditure Fund for the fiscal year beginning July 1, 1950, and ending June 30, 1951, and for the fiscal year beginning July 1, 1951, and ending June 30, 1952, the sum of $250,000 for each of such fiscal years, this sum being the Employer's Contribution required of all Departments, other than the Department of Highways, for Employer's Contribution as required by this Act, said sum to be deposited in the Retirement Fund and expended pursuant to this Act.

In addition to both of the foregoing appropriations, there is hereby appropriated to the State Employe's Retirement Board out of the General Expenditure Fund for the fiscal year beginning July 1, 1950, and ending June 30, 1951, and for the fiscal year beginning July 1, 1951, and ending June 30, 1952, the sum of $150,000 for each of such fiscal years, this sum to be deposited in the Retirement Fund to be used by the Board in payment of prior service credits.

The Department of Highways, if any of its employes are brought within the scope of this Act by virtue of their being embraced within the Merit Personnel System, is hereby authorized to make available to the State Employe's Retirement Board, for deposit in the Retirement Fund, for the fiscal year beginning July 1, 1950, and ending June 30, 1951, and for the fiscal year beginning July 1, 1951, and ending June 30, 1952, such funds as are necessary to meet the provisions of this Act and such funds are hereby appropriated out of the State Road Fund for said fiscal years, to be allocated out of funds previously appropriated to the Department of Highways by the Budget Act of 1950.

The above appropriations to the Board for deposit in the Retirement Fund are provided for in light of the fact that no

provision was made, in preparing the Budget Act of 1950, for Employer's Contributions required by this Act of Departments whose employes will either be embraced in the State Employe's Retirement System upon the effective date of this Act or will be embraced within said System by acquiring tenure status.

SECTION 16. PROTECTION AGAINST FRAUD. Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified any record or records of the Retirement System, or shall attempt to defraud such system shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than $1,000 or imprisoned not more than three months, or both.

SECTION 17. CHANGE OR ERROR IN RECORDS. Should any change or errors in records result in any member or beneficiary receiving from the Retirement System more or less than he would have been entitled to receive had the records been correct, then on discovery of any such error the Board shall correct the same and, as far as practicable, shall adjust the payments in such manner that the benefits to which such member or beneficiary was correctly entitled shall be paid.

SECTION 18. EXEMPTION OF FUNDS FROM TAXATION, EXECUTION AND ASSIGNMENT. All retirement allowances and other benefits accrued or accruing to any person under the provisions of this Act, and the accumulated contributions in cash or securities in the funds created under this Act, as property of the Commonwealth held in trust for beneficiaries hereunder, are declared to be exempt from taxation. They shall not be subject to execution, attachment, or garnishment, nor shall any assignment thereof be enforceable in any court.

SECTION 19. PROVISIONS OF ACT SUBJECT TO AMENDMENT OR REPEAL. Every provision of this Act shall be subject to amendment or repeal by any future session of the General Assembly, provided that no such amendment or repeal shall diminish or annul, in any respect, any right acquired by a member or beneficiary under the provisions of this Act or with respect to any fund derived from contributions made by members of the Retirement System.

SECTION 20. EFFECTIVE DATE. This Act shall take effect on July 1, 1950.

By Mr. Williamson.

H. B. No. 415. AN ACT relating to the appointment, duties and compensation of official Shorthand Reporters for Circuit Court.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 28.460 of the Kentucky Revised Statutes is amended to read as follows:

(1) The fees of reporters for circuit courts, other than courts of continuous session and courts of counties containing a city of the second class, shall be fifteen dollars per day for taking shorthand notes and thirty cents per hundred words for the original transcript thereof.

(a) In criminal cases the fees shall be paid, upon the order of the presiding judge, by the county in which the court is situated, if the transcript is ordered for the use of the Commonwealth's Attorney. If the transcript is ordered upon the motion of the defendant, he shall pay for it if, in the opinion of the court, he is able to do so. If it appears that the defendant is not able to pay for the transcript, the Court shall direct the same to be paid by the County.

(b) In civil cases the fees shall be paid forthwith by the party in whose behalf the report of transcript is ordered, and shall be taxed as part of the costs of the action. The reporter shall not be required to file a transcript in any civil case without payment therefor by the party in whose behalf it is ordered.

(2) For duplicate copies of transcripts reporters of circuit courts, other than courts of continuous esssion and courts of counties containing a city of the second class, shall be allowed one-half the amount they are allowed for the original, to be paid for in the same manner.

Section 2. Subsection (1) of Section 28.430 of the Kentucky Revised Statutes is amended to read as follows:

(1) (a) Upon any trial or proceeding if either party requests the services of the reporter, or if, in the opinion of the presiding judge, the testimony should be preserved, the presiding judge shall direct the reporter to, and the reporter shall, take full stenographic notes of the proceedings, such taking to be paid for by the party requesting the same, or if the party requesting same is unable to pay for such service, it shall be paid for by the Fiscal Court of the county in which said trial is held, on order of the presiding judge of such circuit court.

(b) In Counties having a population of 150,000 or more, the reporter of the criminal branch of the circuit court shall take down the proceedings in all cases, embracing the rulings of the court, all testimony introduced and, upon request of either side or at the direction of the presiding judge, he shall take down also all preliminary motions, examinations of jurors and opening statements and closing arguments of counsel.

By Mr. Holbrook.

H. Res. No. 54. A JOINT RESOLUTION authorizing and directing the payment of the sum of $273.00 to Elmine Watts for expenses incurred by him as sheriff of Knott County.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of $273.00 is appropriated out of the General Expenditure Fund in the State Treasury, for the purpose of paying the claim of Elmine Watts for expenses incurred by him in the performance of his duties as sheriff of Knott County, which the Commonwealth is required by law to pay. The Commissioner of Finance is hereby directed to draw his warrant upon the State Treasurer, in favor of said Elmine Watts for said amount, and the State Treasurer, upon presentation of the warrant is directed to issue a check in favor of the said Elmine Watts in the amount of $273.00.

By Mr. Ruh.

H. Res. No. 55. A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make a study and report concerning the state tax program, including the present tax structure and potential tax sources.

Said resolution is as follows, viz:

WHEREAS, the increasing demand of the public for enlarged governmental programs in the fields of education, health and welfare have rendered inadequate the revenues derived by the state under the existing tax structure; and

WHEREAS, the complexities of present day business and economy make exceedingly difficult the selection and adoption of fair and equitable tax measures producing sufficient revenue to meet the needs of the state; and

WHEREAS, it is desirable that a reexamination of the existing state tax program and a study and survey of potential tax sources be made in order that the General Assembly may be fully advised in the consideration of ways and means by which the revenues of the state may be increased;

NOW, THEREFORE

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission be and it is authorized and directed to make a comprehensive study of the existing tax structure of the state and of prospective and potential tax sources available to the state. Such study shall include an examination of the present state taxes and the revenue derived therefrom, the tax programs of other states and the revenue derived therefrom, a comparison of the tax sources existing in this state with those existing in other states, and a survey of prospective sources of revenue with an analysis of the economic effect of the utilization thereof and an estimate of the revenue that may be produced thereby. The study shall be so designed as to enable the General Assembly to be informed as to the most feasible, equitable and economically sound tax program for the state.

The Legislative Research Commission shall submit to the General Assembly, on or before the day on which the 1952 Session convenes, a report embodying the results and conclusions of the study hereby authorized and directed.

By Mr. Holbrook.

H. Res. No. 56. A JOINT RESOLUTION authorizing Dr. B. R. Conley, Salyersville, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Dr. B. R. Conley, of Salyersville, Kentucky, is authorized to sue the Commonwealth of Kentucky and the Department of Highways, or either, in the Magoffin Circuit Court for damages resulting from personal injuries and property damage to his automobile alleged to have been caused by the negligence of employes of the Department of Highways and the Commonwealth of Kentucky while such employes were acting in the line of duty.

Said suit shall be in a sum not to exceed Five Thousand ($5,000) Dollars.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this Resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this Resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

By Mr. Walter.

H. Res. No. 57. A JOINT RESOLUTION authorizing

Ennis Ball, Onley Ball and Jim Ball, of Crockett, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways.

Ordered that said bills and said resolutions be printed and referred.

Mr. Head of the Committee on Public Health reported a bill of the following title, viz:

H. B. No. 310. AN ACT relating to the ownership and operation of drug stores or pharmacies.

With the expression of opinion that same should pass.

Mr. Burnley moved that said report be laid on the table.

Mr. Waterfield arose to a point of information as to whether or not the Committee on Public Health had met to consider said bill.

Mr. Head, Chairman of the Committee on Public Health, stated that no meeting had been held to consider said bill.

The Speaker ruled that said bill could not be given a first reading until the Committee on Public Health had met, and considered said bill.

Without objection, said motion as made by Mr. Burnley was withdrawn.

Mr. Holsclaw moved that the House do now recess for ten minutes.

Said motion was disagreed to.

Ordered that said bill be returned to the Committee on Public Health.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz:

S. B. No. 90. AN ACT relating to the transfer of title to, and registration of, motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Whenever any motor vehicle is sold in accordance with the provisions of KRS 376.280, the seller thereof may transfer

title thereto by delivering a bill of sale, in triplicate, to the purchaser. Said bill of sale shall contain, in addition to the usual provisions, the following language: "The seller of the above described motor vehicle warrants that he has complied with the provisions of KRS 376.280." Upon delivery of the bill of sale to the county court clerk of the county in which the motor vehicle was last registered, said clerk shall deliver to the purchaser a transfer of registration, notwithstanding the provisions of KRS 186.190.

S. B. No. 101. AN ACT relating to the packaging, sale or offering for sale of soap and soap products.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, the term "soap" shall include soap powder, soap chips, bar soap or any other substance advertised or represented to be a soap product.

Section 2. No soap shall be packaged for sale, sold or offered for sale in this state, either at wholesale or retail, except in packages or containers which shall have printed or marked thereon, in letters and figures clearly legible, the net weight, percentage of pure soap content, list of all other ingredients, and the name and address of the actual manufacturer of the contents contained therein.

Section 3. Any person who violates any of the provisions of this Act shall be fined not less than twenty-five dollars nor more than two hundred dollars for each offense.

S. B. No. 119. AN ACT relating to the replacement of glass in motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. No person shall install or cause to be installed in any motor vehicle, as a replacement of any windshield or door or window glass, any glass other than safety glass which, as used

in this section, shall mean any product composed of glass so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken or such other or similar product as may be approved by the Department of Revenue, as provided by KRS 189.120.

Sec. 2. Any person violating this Act shall be fined not less than ten dollars nor more than one hundred dollars.

S. B. No. 120. AN ACT establishing a Department of Traffic Engineering in cities of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. Section 83.160 of the Kentucky Revised Statutes is hereby repealed and re-enacted and as so re-enacted shall read as follows:

"(1) There shall be the following executive departments in cities of the first class:

"A Department of Public Works, a Department of Public Safety, a Department of Public Finance, a Department of Public Welfare, a Department of Public Parks and Recreation, a Department of Law, and a Department of Traffic Engineering. Each of said Departments shall have the powers provided for in and be governed by the general provisions of KRS 61.250, 83.180 to 83.300, 91.120, 91.280 and 91.300, and shall be under the supervision and direction of a director who shall be appointed by the Mayor, and the said directors of departments so appointed shall be removable at any time at the pleasure of the Mayor so appointing them, or of any of his successors in office but not by any officer who may merely for the time be filling the office of Mayor in the absence or during the temporary disability of the regularly elected or appointed Mayor. The directors of said departments shall have the same qualifications as members of the legislative body of said cities and shall be selected for their special fitness for the work of the said departments, and shall give and devote their entire time to the discharge of their duties and shall receive adequate compensation to be fixed by

ordinance. No member or officer of the legislative body shall be eligible to appointment as director of any department. The said directors shall hold office until they resign or are removed as herein provided.

"(2) All functions, powers and duties vested in any city of the first class with reference to all matters affecting the health of the community in such city shall be exercised and performed in such manner as shall be provided by Act of the General Assembly, or by ordinance of the legislative body of such city."

SECTION 2. The Department of Traffic Engineering shall be under the supervision and direction of a director of Traffic Engineering and shall have exclusive control, under the city ordinances, of all matters pertaining to control of traffic using the streets of the city except the enforcement of traffic laws. The Department of Traffic Engineering shall also have exclusive control, under the city ordinances, of street lighting and lighting of public places.

SECTION 3. Sections 93.351 through 93.356 which deal with off-street parking facilities in cities of the first class are amended by deleting all references therein to "director of works" and inserting in lieu thereof "director of traffic engineering."

S. B. No. 128. AN ACT relating to matrons of police court in cities of first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 26.610 of the Kentucky Revised Statutes is hereby repealed and re-enacted and as so re-enacted shall read:

(1) The police judge of every city of the first class shall appoint two court matrons for a term of two years, and until the qualifications of their successors, and may remove them for good cause. The judge shall cause his reasons for removal to be entered in the minutes of his court. The Judge may fill all vacancies occurring in the office of court matron and the assistant matron. One of the appointees shall be white and the other shall be of the colored race.

(2) The court matrons shall be women of good moral character, with experience and training in social work, and otherwise fully qualified to perform the duties of their office. They shall be twenty-one years of age or older.

(3) The court matrons shall investigate and report to the police judge upon the past histories, conditions of living, character, morals and habits of all women and girls awaiting trial in the police court, and shall exercise supervision of such women and girls while they are under suspended sentence until final disposition of the charges against them.

(4) The court matrons shall be paid out of the City Treasury a salary to be fixed by the Police Judge, and approved by the Board of Aldermen, not to exceed Two Hundred Dollars ($200.00) per month, and they shall be allowed, subject to the approval of the Police Judge, all necessary expenses incidental to investigation of cases.

Ordered that said bills be printed and referred.

The message which was received from the Senate also announced that they had passed bills which originated in this House of the following titles, viz:

H. B. No. 70. AN ACT providing that in any county containing a city of the second class, in which the county clerk shall have had his official bond executed by an incorporated surety company, the amount paid by such clerk as premium on such bond shall not be computed as part of the net compensation which he receives or retains for his services.

H. B. No. 96. AN ACT relating to the indexing of real property records in counties containing a city of the second class, including provisions concerning the compensation of persons employed to keep the index systems; amending Section 382.220 of the Kentucky Revised Statutes.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

The message which was received from the Senate also announced that they had passed a bill which originated in this House of the following title, viz:

H. B. No. 37. AN ACT relating to the time of holding Circuit Court in Lawrence and Johnson Counties.

With an amendment thereto by way of substitute therefor as proposed and adopted by the Senate.

Said amendment to said bill by way of substitute therefor as proposed and adopted by the Senate is as follows, viz:

AN ACT relating to the time of holding Circuit Court in Lawrence and Johnson County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY:

That the introductory phrase and subsection (24) of section 23.050 of the Kentucky Revised Statutes are amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed: Twenty-fourth District. Johnson County at Paintsville, on 3rd Monday in January, 3rd Monday in April, 2nd Monday in September, 24 Judicial days each. Lawrence County at Louisa, 2nd Monday in March, 3rd Monday in June, and 4th Monday in October, 24 Judicial days each.

Ordered that said bill, together with said amendment by way of substitute therefor, as proposed and adopted by the Senate, be laid on the Clerk's desk.

The Committees to which the same had previously been referred reported bills of the following titles, viz:

By Mr. Bronston of the Committee on Motor Transportation No. 1.

H. B. No. 179. AN ACT relating to the licensing of motor vehicles, amending Sections 186.040, 186.050 and 186.170 of the Kentucky Revised Statutes and making an appropriation.

By Mr. Barnum of the Committee on Cities of First Class.

S. B. No. 127. AN ACT providing for trial commissioners, one of whom may serve as Judge Pro Tem, in Police Court of Cities of the first class, setting forth powers, duties and compensation.

By Mr. Runyan of the Committee on Education No. 1.

H. B. No. 308. AN ACT relating to the Teacher's Retirement System.

With Committee amendment thereto by way of substitute therefor.

On which said Committee amendment to said bill by way of substitute therefor is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 161.660, Kentucky Revised Statutes, is amended to read as follows:

Any member, before he has attained the age of 60, who has completed twenty years of accredited service in the public schools of the state of Kentucky, five of which immediately preceded retirement, may retire for disability and shall be granted a disability allowance to be paid from the funds of the retirement system. The disability allowance of each member retiring for disability shall be calculated in the same manner as the allowance for a superannuated member, excepting and providing that the factor used in final determination of the annuity shall be the factor corresponding to age 60 and not the factor corresponding to age at retirement. The minimum and maximum provisions as apply for members retiring for superannuation shall apply in all cases of retirement for disability.

Sec. 2. A new section of the Kentucky Revised Statutes is hereby created, to be numbered 161.705 and to read as follows:

(1) Any member of the Teachers' Retirement System, or the Board of Education, employing such member, or both, may make voluntary contributions of two per cent or more of such member's annual compensation to the retirement system for the benefit of such member. Such contributions shall be invested as provided in KRS. 161.430.

(2) Upon retirement, any such members shall receive in addition to retirement allowances provided by law, such annuity as has been earned by the voluntary contributions made by or for such member, computed upon an actuarial basis. The mem-

ber shall have the same benefit options with respect to such additional annuity as are provided in KRS. 161.630, excepting as provided in subsection (3) of this Section.

(3) Upon the death or withdrawal from the retirement system of any member for any reason other than retirement, such member or the estate of such member, and the Board of Education shall each be reimbursed respectively for any voluntary contributions made by or on behalf of such member to the retirement system. Such reimbursement shall be made in a lump sum with average earned interest or a rate of interest fixed by the Retirement Board. Upon death after retirement no such reimbursement shall be made.

By Mr. Combs of the Committee on Mines and Mining.

H. B. No. 305. AN ACT relating to Mines and Minerals.

By Mr. Barnum of the Committee on Cities of the First Class.

H. B. No. 356. AN ACT concerning the time of payment, discount, interest and penalties of tax bills in cities of the first class.

With the expression of opinion that same should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

Mr. William Jones of the Committee on Revenue and Taxation No. 1, to which the same had previously been referred, reported a bill of the following title, viz:

H. B. No. 291. AN ACT relating to Revenue and Taxation; providing for the imposition of certain taxes, and the disposition of the revenue therefrom; and making appropriations for administration and enforcement.

Without an expression of opinion, with a Minority Report thereto.

Said Minority Report is as follows, viz:

The Minority of the Committee on Revenue and Taxation

No. 1 has had under consideration a bill of the following title, viz:

H. B. No. 291. (For title, see H. J. of today, ante)

And reports same with the expression of opinion that said bill should not pass.

s/ Roy Steers
s/ Charles Wirsch

Mr. Steers moved that the House do now adopt said Minority Report.

Mr. Waterfield arose to a point of information and requested the Speaker to rule as to the number of votes necessary to adopt said Minority Report.

The Speaker ruled that it would require a majority of the members voting.

Mr. Hanratty moved that debate on the motion as made by Mr. Steers be limited to ten minutes for the proponents and ten minutes for the opponents.

The motion as made by Mr. Hanratty was disagreed to.

Mr. Weintraub offered the following amendment to the Report of the Minority Committee, viz:

Amend Minority Report of the Revenue and Taxation No. 1 Committee by striking the word "not."

The Speaker ruled the amendment as offered by Mr. Weintraub out of order.

Mr. Williamson moved the Previous Question on the motion as made by Mr. Steers.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Burnley arose to a point of information and requested the Speaker to rule as to the number of votes necessary to adopt the Report of the Minority.

The Speaker ruled that it would require a majority of the members voting.

Mr. McClain sent to the Clerk's desk the following motion in writing, viz:

I move that House Bill No. 291 be given its first reading, the report of the Committee to the contrary notwithstanding.

s/ G. Lee McClain

Mr. Burnley arose to a point of information and requested the Speaker to rule as to the number of votes necessary to advance said bill to a first reading.

The Speaker ruled that it would require fifty-one votes.

Mr. Steers moved that the motion as made by Mr. McClain be laid on the table.

The yeas and nays being required thereon by Mr. Steers and Mr. Wirsch were as follows, viz:

Those who voted in the affirmative were—

John D. Beatty	C. A. Hammons	James H. Polsgrove
Thomas L. Britton	Harold G. Helm	Carl J. Ruh
R. Josh Cosby	True Mackey	Roy Steers
B. H. Crider	John Martin	Charles W. Wirsch
R. C. Estepp, Sr.	Jack McPherron	—14

Those who voted in the negative were—

Clarence J. Barnum	Ray Holbrook	Fred H. Morgan
Fred Beshear	Chester J. Holsclaw	C. S. Nabb
Edward O. Bridgers	W. M. Horn	Amos Runyan
Charles W. Burnley	Richard R. Houpt	Roy Searcy
G. I. Drury	Silas Jacobs	Raymond D. Stigall
Henry C. Hale	Barkley Jones	M. G. Thompson
George F. Harris	Mrs. J. T. Linton	Fred M. Warns
William K. Henry	A. L. (Chick) Love	G. F. Williamson
E. R. Hilton	G. Lee McClain	—26

Thereupon said motion was disagreed to.

The yeas and nays being required on the motion as made by Mr. McClain by Mr. Hanratty and Mr. Steers were as follows, viz:

Those who voted in the affirmative were—

Fred Beshear	E. R. Hilton	Raymond D. Stigall
Charles W. Burnley	Ray Holbrook	Ralph N. Walter
Henry C. Hale	G. Lee McClain	Harry Lee Waterfield
George F. Harris	Roy Searcy	Morris Weintraub
Paul E. Hayes		—13

Those who voted in the negative were—

Bernam Adams	W. M. Horn	Fred H. Morgan
Edgar Arnett	Richard R. Houpt	C. S. Nabb
Sidney Baer	Robert N. Hubbard	James H. Polsgrove
Clarence J. Barnum	Silas Jacobs	Hobart Rayburn
C. E. Baumgardner	Barkley Jones	Carl J. Ruh
John D. Beatty	William Jones	Amos Runyan
Edward O. Bridgers	James W. Lambert	Dr. Roy Sanders
J. D. Buckman, Jr.	Jesse H. Lawrence	Paul E. Shannon
Stanley Carter	Mrs. J. T. Linton	Gus Sheehan, Jr.
Paul Combs	Homer E. Losey	Forest Smith
R. Josh Cosby	A. L. (Chick) Love	John M. Spaulding
B. H. Crider	True Mackey	J. Claude Stacy
Owen Deering	Damon Majors	Mrs. Thelma Stovall
G. I. Drury	John Martin	Egbert V. Taylor
C. A. Hammons	William T. Marshall	M. G. Thompson
John A. Head	Jack McPherron	Fred M. Warns
Woodrow W. Hollan	Emmett G. Moore	Charles W. Wirsch
Chester J. Holsclaw	Walter R. Moorman	—53

The motion as made by Mr. Steers was then disagreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 72. AN ACT changing the classification of the City of Cumberland in Harlan County.

S. B. No. 75. AN ACT changing the classification of the City of Somerset, in Pulaski County.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House affixed his signature thereto.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

Mr. William Jones moved that the rules be suspended and the privilege of the floor extended to Messrs. Herman Clayton and O. Z. Lewis.

Said motion was unanimously agreed to.

Mr. Hanratty moved that the House do now adjourn to meet again at 8 o'clock, p.m., Monday, February 27, 1950.

Said motion was agreed to.

And then the House adjourned.

MONDAY, FEBRUARY 27, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by Dr. Will B. Campbell, pastor of the Methodist Church, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams	Thomas L. Britton	G. I. Drury
Bill Adams	Charles J. Bronston	Thomas R. Duncan
Edgar Arnett	J. D. Buckman, Jr.	R. C. Estepp, Sr.
Sidney Baer	Mrs. M. E. Burnett	Mitchell S. Fannin
Clarence J. Barnum	Charles W. Burnley	Henry C. Hale
C. E. Baumgardner	Alex Calvert	C. A. Hammons
Leonard T. Bean	Stanley Carter	James P. Hanratty
John D. Beatty	Paul Combs	George F. Harris
Fred Beshear	R. Josh Cosby	Paul E. Hayes
L. E. Bradley	B. H. Crider	John A. Head
Edward O. Bridgers	Owen Deering	Harold G. Helm

William K. Henry	William T. Marshall	Gus Sheehan, Jr.
Ray Holbrook	G. Lee McClain	Jesse H. Shelton
Woodrow W. Hollan	Jack McPherron	Forest Smith
Chester J. Holsclaw	Archie R. Moore	Joseph T. Snapp
W. M. Horn	Emmett G. Moore	John M. Spaulding
Durham W. Howard	Walter R. Moorman	J. Claude Stacy
Robert N. Hubbard	Fred H. Morgan	Roy Steers
Paul S. Jonas	C. S. Nabb	Raymond D. Stigall
Barkley Jones	Dr. C. E. Palmore	Mrs. Thelma Stovall
William Jones	James H. Polsgrove	W. R. Stringer
James W. Lambert	Leonard W. Preston	M. G. Thompson
Jesse H. Lawrence	Hobart Rayburn	Rev. T. H. Tinsley
Mrs. J. T. Linton	W. R. Reasor	Ralph N. Walter
Homer E. Losey	Carl J. Ruh	Fred M. Warns
A. L. (Chick) Love	Amos Runyan	Harry Lee Waterfield
Harry K. Lowman	Dr. Roy Sanders	G. F. Williamson
True Mackey	LeRoy Saylor	Charles W. Wirsch
Damon Majors	Roy Searcy	Adron Doran,
John Martin	Paul E. Shannon	Speaker

Mr. Baer moved that leaves of absence be granted to Messrs. Bailey, Blevins, Hilton, Houpt, Maurice Howard, Jacobs, Shaw, Taylor, Webb and Weintraub.

Said motion was agreed to.

Mr. Harris moved that the reading of the Journal of the proceedings of Friday, February 24, 1950, be dispensed with, and the same be approved.

Said motion was agreed to.

The Enrolling Clerk of this House delivered the original and enrolled copies of a resolution of the following title, viz:

H. Res. No. 17. A JOINT RESOLUTION providing for Homecoming Year in the Commonwealth of Kentucky in cooperation with the State Chamber of Commerce, and further providing that the Governor of the Commonwealth may use from his emergency fund, within his discretion, such sums as may be deemed necessary to properly advertise and promote the "Homecoming Year"; and declaring an emergency.

Which was signed by the Speaker of the House on February 23,

Duly signed by the President of the Senate,

Into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said resolution to the Governor.

After a time the Chief Clerk reported that he had discharged the duty imposed upon him.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 35. AN ACT relating to the consolidation of the various agency fund accounts of the Department of Agriculture.

H. B. No. 41. AN ACT relating to weights and measures, and weighing and measuring devices.

H. B. No. 70. AN ACT providing that in any county containing a city of the second class, in which the county clerk shall have had his official bond executed by an incorporated surety company, the amount paid by such clerk as premium on such bond shall not be computed as part of the net compensation which he receives or retains for his services.

H. B. No. 96. AN ACT relating to the indexing of real property records in counties containing a city of the second class, including provisions concerning the compensation of persons employed to keep the index systems; amending Section 382.220 of the Kentucky Revised Statutes.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills, duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that said bills be delivered by the Chief Clerk to the Governor.

After a time the Chief Clerk reported that he had discharged the duty imposed upon him.

Bills and a resolution of the following titles were introduced, viz:

By Mr. Combs.

H. B. No. 416. AN ACT amending Section 29.390 of the Kentucky Revised Statutes, relating to the compensation of jurors.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 29.390 of the Kentucky Revised Statutes is amended to read as follows:

(1) Grand jurors and petit jurors in circuit court shall each be paid five dollars per day for jury service. Persons whose names are on the jury list for jury service in circuit court, or are summoned under KRS 29.280 to supply a deficiency, who appear in person in court in response to summons, who reside outside the corporate limits of the city in which the court sits, and who do not claim exemption or ask to be relieved from jury service, shall receive five dollars per day for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

(2) When kept together over night in custody of the sheriff, petit jurors shall receive one dollar additional for each night they are kept together.

(3) In courts inferior to the circuit court each juror shall be paid fifty cents for each case in which he serves.

By Messrs. Combs and Hayes.

H. B. No. 417. AN ACT relating to district detectives.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 69.110 of the Kentucky Revised Statutes is amended to read as follows:

(2) In counties containing a city of the second class the Commonwealth's attorney shall, and in counties not containing a city of the second class but containing a population of 40,000 or more persons may, appoint a district detective for a term of four years subject to removal at any time by the Commonwealth's attorney. He shall receive an annual salary of not less than $1,800, nor more than $3,600, to be paid out of the county levy in equal monthly installments.

By Mr. Holsclaw.

H. B. No. 418. AN ACT relating to the transportation of persons for hire.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No operator of a city or suburban bus or a street, suburban, or interurban railway shall make any charge or collect any fee, in addition to the initial charge or fee for transportation, in excess of one cent for the transfer of any passenger from one conveyance to another while on a one-way trip in the territory served by such system.

By Mr. Polsgrove.

H. B. No. 419. AN ACT to amend Subsection (3) of Section 382.110 of the Kentucky Revised Statutes by adding thereto a provision that any deed, mortgage or other instrument of writing conveying any interest in land, offered for record, shall contain the name under which grantor acquired title.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(3) If the source of title is a deed or other recorded writing, any deed, mortgage or other writing conveying any interest in land offered for record shall refer to the former deed or writing, and give the office, book and page where recorded, and the date thereof. If the property or interest therein is obtained by inheritance or in any other way than by recorded instrument of writing, the deed offered for record shall state clearly and accurately how and from whom the title thereto was obtained by the grantor, and the name under which the grantor acquired title.

The caption of any deed, mortgage or other such instrument shall contain the name of the grantee or devisee as set forth in such former deed or source of title. Upon any failure to so caption said instrument, all interest of the grantee therein shall be subordinated to the rights of any subsequent grantee or grantees who are holders for value without notice. This provision shall not however affect the validity of any such instrument.

By Mr. Harris.

H. B. No. 420. AN ACT relating to the qualifications and licensing of dentists.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. An applicant for a license to practice dentistry shall be of good moral character and at least twenty-one years of age at the time of making the application. The application shall be accompanied by evidence satisfactory to the board that the applicant is a graduate of, and has a diploma from a reputable dental college, school or department of a reputable university, rated as acceptable by the board. The board shall rate dental colleges, schools or departments of a university, or accept the ratings issued by accredited bodies approved by it.

The application shall be made to the board in writing. It shall be accompanied by an examination fee of forty dollars, payable to the secretary-treasurer. Except that any person who has successfully completed at least two years of the required course of study in a dental college, and who has practiced dentistry for a period of more than forty years, upon application to the State Board of Dental Examiners, and the payment to the Board of a fee of forty dollars, shall be entitled to a license to practice dentistry in this Commonwealth, and the Board shall issue to such applicant a license on the standard form used and approved by the Board, signed by its President and Secretary and authenticated by the seal of the Board, which license shall be registered with the county clerk of each county in which he desires to practice, as is provided for in KRS 313.110.

Sec. 2. No person shall file, or attempt to file as his own the diploma or license of another, or a forged affidavit of identification or qualification.

Sec. 3. Section 313.040 of the Kentucky Revised Statutes is hereby repealed.

By Mr. Runyan.

H. B. No. 421. AN ACT relating to common schools with particular reference to entrance age requirements.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 158.030 of the Kentucky Revised Statutes is amended to read as follows:

A "common school" is an elementary or secondary school of the state supported in whole or in part by public taxation. No school shall be deemed a "common school" or receive support from public taxation unless the school is taught by a qualified teacher for a term of eight or more months during the school year and every child residing in the district who is six years of age and over has had the privilege of attending it. Provided, however, that any child who is six years of age or who may become six years of age by September 1 following the opening

of the school year may enter school provided that he enters within thirty calendar days of the beginning of that school term, with the exception that in schools having mid-year promotions any child who is six years of age or who may become six years of age within thirty calendar days after the opening of the second semester may enter school at the beginning of that semester. Any child who becomes six years of age later than September 1 following the opening of the school shall not enter school during that year and in schools having mid-year promotions any child who becomes six years of age later than thirty days after the opening of the second semester shall not enter school during that semester.

By Messrs. William L. Jones, Horn, and Moorman.

H. B. No. 422. AN ACT to aid in the development and promotion of the purebred cattle industry in Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, unless the context otherwise requires:

(1) "Department" means the Department of Agriculture, Labor and Statistics.

(2) "Commissioner" means the Commissioner of Agriculture, Labor and Statistics.

(3) "Purebred" means registered by the appropriate association, organization or authority.

(4) Neither "show" or "exhibition" or "show, exhibition and sale" shall include those held as a part of or in connection with any County or other Local Fair.

Section 2. It shall be the duty of the Department of Agriculture, Labor and Statistics, to aid, encourage, foster and promote the development and the improvement of the purebred cattle industry in Kentucky. To that end, it shall be the duty of the Department to promote and to aid and assist in the promotion of annual shows and sales of purebred cattle in

Kentucky with the object and purpose of establishing Kentucky as one of the greatest centers in the United States for the breeding, producing, raising, exhibition, showing and sale of purebred cattle and for said purposes there hereby is appropriated out of the General Fund to the Department the sum of thirty-six thousand dollars ($36,000) for each of the fiscal years 1950-1951 and 1951-1952.

Section 3. (a) From the appropriation made in Section 2 of this Act, six thousand dollars ($6,000) shall be used and applied in each of said fiscal years as follows: Not less than four thousand dollars ($4,000) nor more than five thousand dollars ($5,000) shall be used and applied to the payment of premiums for the largest purebred Aberdeen-Angus show and sale which may be held in Kentucky in each of the fiscal years, 1950-1951 and 1951-1952, which is open on equal terms and conditions to all Aberdeen-Angus breeders in the United States. The remainder shall be used and applied by the Commissioner for appropriate advertising of such show and sale in such livestock journals and other advertising media as the Commissioner in his discretion may determine.

(b) From the appropriation made in Section 2 of this Act, six thousand dollars ($6,000) shall be used and applied in each fiscal year as follows: Not less than four thousand dollars ($4,000) nor more than five thousand dollars ($5,000) shall be used and applied to the payment of premiums for the largest purebred Hereford show and sale which may be held in Kentucky in each of the fiscal years, 1950-1951 and 1951-1952 which is open on equal terms and conditions to all Hereford breeders in the United States. The remainder shall be used and applied by the Commissioner for appropriate advertising of such show and sale in such livestock journals and other advertising media as the Commissioner in his discretion may determine.

(c) From the appropriations made in Section 2 of this Act, six thousand dollars ($6,000) shall be used and applied in each said fiscal year as follows: Not less than four thousand dollars ($4,000) nor more than five thousand dollars ($5,000) shall be used and applied to the payment of premiums for the largest purebred Shorthorn show and sale which may be held in Ken-

tucky in each of the fiscal years, 1950-1951 and 1951-1952 which is open on equal terms and conditions to all Shorthorn breeders in the United States. The remainder shall be used and applied by the Commissioner for appropriate advertising of such show and sale in such livestock journals and other advertising media as the Commissioner in his discretion may determine.

Any show, exhibition and sale of purebred cattle to be eligible to receive the aforesaid appropriations must provide that the entries in all classes must be open upon equal terms to the breeders of such cattle in all of the states of the United States and the Dominion of Canada may be included. The Commissioner shall determine with respect to each of the aforesaid breeds of cattle which show, exhibition and sale is the largest to be held in Kentucky in each year and, in making such determination, he may consider such shows, exhibitions and sales as may have been held in Kentucky in any previous year and in any previous two-year period.

Section 4. The remainder of the appropriations made in Section 2 of this Act for each of said fiscal years shall be used and applied by the Department as follows, to-wit:

(a) At least fifteen thousand dollars ($15,000) of the remainder of said appropriation shall be used to add to premium money otherwise available for shows and exhibitions of purebred dairy cattle to be held in Kentucky at such places and in such regions or districts as the Commissioner may determine; and the remaining balance thereof shall be used and applied by the Department in advertising and in promoting such purebred dairy cattle shows and exhibitions in such livestock journals and other advertising media as the Commissioner in his discretion may determine.

Section 5. No show or exhibition and no show, exhibition and sale of any purebred cattle shall qualify for or be eligible to receive any part of the appropriation made in this Act unless and until there is provided and made available from other sources an amount for premiums equal to or in excess of the respective appropriations made available by the provisions of this Act for such show or exhibition or show, exhibition and sale, or unless there is provided and made available from some other source an amount for premiums equal to or in excess of the amount which

the Commissioner may allocate to or for such show or exhibition or show, exhibition and sale under the authority vested in him by this Act.

By Mr. Reasor.

H. B. No. 423. AN ACT relating to appointment of a Deputy State Veterinarian, amending Section 257.240 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 257.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) Upon the recommendation of the State Veterinarian, the board may within its discretion appoint a Deputy State Veterinarian.

(2) He shall hold office for a term of four years and until his successor has been elected and qualified. He shall be subject to removal from office by the board at any time for cause.

(3) He shall be a resident of this state, and a licensed graduate veterinarian who has practiced veterinary medicine continuously within this state for a period of three years prior to his appointment.

(4) He shall receive an annual salary fixed by the board, but it shall not exceed thirty-six hundred dollars per annum. He shall also be reimbursed the necessary expenses incurred in the discharge of his official duties.

By Mr. Hollan.

H. Res. No. 58. A JOINT RESOLUTION providing for the payment of a judgment against the Commonwealth of Kentucky and the Department of Highways, in favor of Egerton Shaw, and appropriating the necessary sum to pay the same out of the State Road Fund.

Said resolution is as follows, viz:

WHEREAS, on the 24th day of June, 1946, in the case of Commonwealth of Kentucky and the Department of Highways ex rel J. S. Watkins, Commissioner of Highways vs. Egerton Shaw and Continental Casualty Company, the said Egerton Shaw recovered judgment against the Commonwealth of Kentucky and the Department of Highways in the sum of $900 together with interest at the rate of 6% per annum from the date thereof; and

WHEREAS: said judgment constitutes a valid and just obligation of the Commonwealth of Kentucky and the same has not been paid;

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That there hereby is appropriated out of the State Road Fund the sum of $1,089 for the purpose of paying the judgment in favor of Egerton Shaw above mentioned, said sum representing the amount for which the judgment was entered together with interest to the present date. The Commissioner of Finance shall draw his warrant upon the State Treasurer in favor of the said Egerton Shaw in the amount of $1,089, and the State Treasurer shall issue his check for that amount payable out of the State Road Fund.

Ordered that said bills and said resolution be printed and referred.

Dr. Palmore moved that the rules be suspended and Harry W. Inness be made an Honorary Page for the 1950 Regular Session.

Said motion was unanimously agreed to.

Mr. Beshear moved that the rules be suspended and the privilege of the floor extended to Mr. Compton Crow, Mr. John R. Adams, Miss Grace Perkins and Miss Eunice Bone.

Said motion was unanimously agreed to.

Mr. Burnley moved that the rules be suspended and the privilege of the floor extended to Mr. R. A. Williams and Mr. B. S. Gwyn.

Said motion was unanimously agreed to.

Mr. Combs moved that the rules be suspended and the privilege of the floor extended to Mr. Joe Foley, Miss Mary M. Anderson, Miss Betty Coffee and Miss Betty Blake.

Said motion was unanimously agreed to.

Mr. Hale moved that the rules be suspended and the privilege of the floor extended to Mr. John Milton Stumbo, Jerry F. Howell and Bob Forsythe.

Said motion was unanimously agreed to.

Mr. William Jones moved that the rules be suspended and the privilege of the floor extended to Mrs. Margaret Walker and Mr. Herman Brenda.

Said motion was unanimously agreed to.

Mr. Love moved that the rules be suspended and the privilege of the floor extended to Mrs. Virginia Smith.

Said motion was unanimously agreed to.

Mr. Jack McPherron moved that the rules be suspended and the privilege of the floor extended to Homer Tuttle and Messrs. Riddle, Dunall, Hammonds and Hutchins.

Said motion was unanimously agreed to.

Mr. Polsgrove moved that the rules be suspended and the privilege of the floor extended to Messrs. Wm. E. Meyer, Weldon Jones, John L. Knopp, Leon Joynes and Harold Abell.

Said motion was unanimously agreed to.

Mr. Runyan moved that the rules be suspended and the privilege of the floor extended to Miss Josephine Vanover.

Said motion was unanimously agreed to.

Mr. Ruh moved that the rules be suspended and the privilege of the floor extended to Mr. Joseph Samuel.

Said motion was unanimously agreed to.

Mr. Saylor moved that the rules be suspended and the privilege of the floor extended to Mr. L. M. Davis and Mr. Laramore.

Said motion was unanimously agreed to.

Mr. McPherron moved that the rules be suspended and Raymond J. Dunall, Owenton, Kentucky, be made an Honorary Page for the 1950 Regular Session.

Said motion was unanimously agreed to.

The Committees to which the same had previously been referred reported resolutions and bill of the following titles, viz:

By Mr. Williamson of the Committee on Claims.

H. Res. No. 30. A RESOLUTION authorizing Elizabeth J. Crowe to sue the Commonwealth of Kentucky.

By Mr. Williamson of the Committee on Claims.

H. Res. No. 31. A RESOLUTION authorizing E. G. Crowe to sue the Commonwealth of Kentucky.

By Mr. Bronston of the Committee on Motor Transportation.

H. B. No. 258. AN ACT relating to motor transportation and motor vehicles.

With Committee amendments thereto.

Said Committee amendments to said bill are as follows:

Committee Amendment No. 1. Amend printed copy of H. B. No. 258 as follows, viz:

Page 5, subsection (m), line 48

By inserting after the word "authority" the word "only"

Committee Amendment No. 2. Amend printed copy of H. B. No. 258 as follows, viz:

Page 5, subsection (m), line 49

By striking the word "exclusively" and inserting in lieu thereof the words "between points"

Committee Amendment No. 3. Amend printed copy of H. B. No. 258 as follows, viz:

Page 5, subsection (m), line 49

By striking the word "one" and inserting in lieu thereof the word "a"

Committee Amendment No. 4. Amend printed copy of H. B. No. 258 as follows, viz:

Page 5, subsection (n), line 54

By inserting between the words "authority" and "for" the word "only"

Committee Amendment No. 5. Amend printed copy of H. B. No. 258 as follows, viz:

Page 5, subsection (n), line 55

By striking the words "operated exclusively" therefrom

Committee Amendment No. 6. Amend printed copy of H. B. No. 258 as follows, viz:

Page 5, subsection (n), line 57

By striking therefrom the word "engaged" and inserting in lieu thereof the words "granting authority to engage"

Committee Amendment No. 7. Amend printed copy of H. B. No. 258 as follows, viz:

Page 14, section 14 (a), line 6

By inserting between the words "franchise" and "from" the words "or authorization"

Committee Amendment No. 8. Amend printed copy of H. B. No. 258 as follows, viz:

Page 28, section 29, line 4

By striking therefrom the word "proves" and inserting in lieu thereof the word "process"

Committee Amendment No. 9. Amend printed copy of H. B. No. 258 as follows, viz:

Page 33, section 36, line 4

By striking therefrom the word "tract" and inserting in lieu thereof the word "track"

Committee Amendment No. 10. Amend printed copy of H. B. No. 258 as follows, viz:

Page 14, section 13, line 60

By adding after subsection (4) of Section 13, the following:

"(g) Upon the consummation of a merger or consolidation of motor carriers as effected under the provisions of KRS Chap. 271, the surviving or new corporation, as the case may be, shall own and possess all of the certifications, permits, authorizations, licenses, rights, privileges, franchises and properties owned or possessed by each of such motor carriers; and if such merger or consolidation is set aside, the certificates, permits, authorizations, licenses, rights, privileges, franchises and properties acquired by the surviving or new corporation through the merger or consolidation shall become revested in the corporation from which acquired, unless disposed of, subject to such indebtedness and liens as may be equitable, and all other properties of the surviving or new corporation shall become vested in the con-

stituent corporations in such manner as may be fair and equitable."

Committee Amendment No. 11. Amend printed copy of H. B. No. 258 as follows, viz:

Page 23, section 20, subsection (c), line 17

By striking therefrom the period and adding thereto the following:

", and if the validity of any certificate or permit issued by the Division of Motor Transportation was in litigation on December 31, 1949 and is finally held to be valid, then such certificate or permit shall not be grandfathered."

With the expression of opinion that same should pass.

Whereupon, said resolutions and said bill were each and severally read at length for the first time and

Ordered placed in the Calendar.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. Res. No. 38. A RESOLUTION authorizing James Miller to sue the Commonwealth of Kentucky, the Department of Highways, or both.

H. B. No. 349. AN ACT relating to the practice of optometry, amending Section 311.010 and repealing Sections 311.140 to 311.240 of the Kentucky Revised Statutes, and creating new sections of the Kentucky Revised Statutes.

H. B. No. 65. AN ACT amending Section 29.390 of the Kentucky Revised Statutes, relating to the compensation of jurors.

H. B. No. 248. AN ACT to amend Section 95.495 of the Kentucky Revised Statutes; pertaining to the hours of work and

annual leave for members of police departments, cities of the second class.

H. B. No. 236. AN ACT to amend Chapter 150 of the Kentucky Revised Statutes of 1948, to abolish the Division of Game and Fish, to provide for the establishment of a Department of Fish and Wild Life Resources and to provide for the conservation of wild animals, wild birds, fish and amphibians.

S. Res. No. 17. A JOINT RESOLUTION authorizing and directing the payment of the claims of J. E. Hutchins, Judge Pro-Tem of the Police Court of Louisville, Jefferson County, Kentucky, for fees allowed and payable by virtue of Section 64.220 Kentucky Revised Statutes, while holding examining trials in felony charges from August 31, 1948, to and including June 29, 1949.

S. Res. No. 13. RESOLUTION authorizing the personal representative of Otha Martin, deceased, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either of them.

H. Res. No. 7. A JOINT RESOLUTION authorizing Mr. Cassius Stone, of Gradyville, Kentucky, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. Res. No. 11. A JOINT RESOLUTION authorizing the payment of pauper idiot claims.

H. Res. No. 43. A JOINT RESOLUTION authorizing Clayton Whitaker and Cora A. Whitaker, of Rockcastle County, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

H. Res. No. 32. A JOINT RESOLUTION authorizing and directing the payment of the sum of $1899.00 to C. B. Wilson, for salary due him and expenses incurred by him as deputy sheriff of Woodford County, Kentucky, and appropriating that sum from the State Treasury.

H. Res. No. 42. A JOINT RESOLUTION authorizing W. A. "Bud" Mitchell, Administrator of the estate of Julius Cum-

mins, deceased, to sue the Commonwealth of Kentucky and the Department of Welfare, or either.

H. Res. No. 46. A JOINT RESOLUTION authorizing J. E. Carter and Lena Carter, of Breckinridge County, to sue the Commonwealth of Kentucky.

H. Res. No. 23. A JOINT RESOLUTION authorizing and directing the payment of a claim of Teddy C. Decker, of Pulaski County, Kentucky.

H. Res. No. 35. A JOINT RESOLUTION authorizing Walter Payne of Knox County to sue the Department of Welfare and the Commonwealth of Kentucky, or either.

H. B. No. 362. AN ACT relating to service of process in actions for annulment of marriage.

S. B. No. 29. AN ACT relating to public records and the indexing thereof, amending Section 382.205 of the Kentucky Revised Statutes.

S. B. No. 104. AN ACT relating to the publication and distributions of the opinions of the Court of Appeals.

H. B. No. 228. AN ACT relating to the licensing, inspection, and regulation of hospitals as herein defined, which includes, without limitation, hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick; providing for a licensing agency and prescribing the powers; creating a hospital council and prescribing its powers; providing minimum standards, enforcement procedures, penalties and appropriations.

With a Committee amendment thereto.

H. B. No. 293. AN ACT relating to strip or open pit mining, and the conservation of natural resources as affected thereby.

With Committee amendment thereto by way of substitute therefor.

H. B. No. 322. AN ACT relating to the licensing of farm trucks, amending subsection (4) of Section 186.050 of the Kentucky Revised Statutes.

H. B. No. 317. AN ACT relating to county and community fairs.

H. B. No. 304. AN ACT relating to tobacco; regulating and restricting the varieties and types of tobacco that may be grown in Kentucky; declaring the public policy of the Commonwealth of Kentucky with respect thereto; providing penalties for violation of the Act; and prescribing rules, standards and means for the enforcement of the Act, and declaring an emergency.

H. B. No. 158. AN ACT relating to the disposal of cancelled checks in the hands of the Director of Records of the Department of Highways.

H. B. No. 336. AN ACT changing the classification of the City of Shepherdsville, in Bullitt County.

H. B. No. 347. AN ACT changing the classification of the City of Hodgenville, in Larue County.

S. B. No. 108. AN ACT relating to certificates of eligibility for contractors, amending Section 176.130 of the Kentucky Revised Statutes by inserting sixty days in (2) thereof in lieu of the present thirty days.

H. B. No. 157. AN ACT transferring the balance of funds of toll free bridge at Rockport to Sinking Fund of the Central Toll Bridge, Project No. 17.

H. B. No. 179. AN ACT relating to the licensing of motor vehicles, amending Sections 186.040, 186.050 and 186.170 of the Kentucky Revised Statutes and making an appropriation.

S. B. No. 127. AN ACT providing for trial commissioners, one of whom may serve as Judge Pro Tem, in Police Court of Cities of the first class, setting forth powers, duties and compensation.

H. B. No. 308. AN ACT relating to the Teacher's Retirement System.

H. B. No. 305. AN ACT relating to Mines and Minerals.

H. B. No. 356. AN ACT concerning the time of payment, discount, interest and penalties of tax bills in cities of the first class.

Ordered that said bills and resolutions to be read at length for the second time.

Mr. Hanratty moved that the Constitutional provision as to the second reading at length of said bills and resolutions be dispensed with, and same to be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and resolutions having been dispensed with, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz:

S. B. No. 85. AN ACT relating to war memorials.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 105.090 of the Kentucky Revised Statutes is amended to read as follows:

The said commission is hereby empowered and directed, when the funds herein provided for are rendered available, to acquire suitable grounds for the construction of, and to con-

struct, and to cause to be constructed thereon an adequate and appropriate memorial, to commemorate the valorous and patriotic deeds and service of the soldiers and sailors of the city and county wherein such commission shall act, who were engaged in the army and navy of the United States during World War I, and present world conflict known as World War II. Said memorial shall be permanent in character and shall take the form of a baseball or amusement park with all necessary and appropriate equipment and facilities, or may take the form of a building, or buildings, with halls and auditoriums ample for both large and small assemblages, conventions, large theatrical, musical, basketball games and other sports and entertainments, and with suitable offices, rooms and equipment to properly maintain and operate such building, or buildings, and, also, appropriate statuary and works of memorial art, and all grounds necessary or appropriate for such purposes, all of which grounds, parks, buildings, statuary and works of art, shall for the purposes of KRS 105.050 to 105.180, be embraced by the term "memorial." The said commission may maintain in said memorial such flags, insignia, momentoes, records, and archives of the said war, or of historical significance in connection therewith, as may fittingly exemplify or illustrate the patriotic service rendered the United States in said war by the aforesaid soldiers and sailors, as well as by the citizens and residents of such city and county who were not engaged in the military or naval service of the United States during said war. Said memorial, and all property acquired by said commission, shall belong to said city.

Sec. 2. A new section of the Kentucky Revised Statutes is created to be numbered KRS 105.115 and to read as follows:

In addition to the methods of financing provided for by KRS 105.110, any part or all of the cost of a memorial, as defined in KRS 105.090, may be financed as a public project under the provisions of KRS 58.010 to 58.120.

S. B. No. 126. AN ACT relating to public improvements and the financing thereof in cities other than those of the first class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. As used in this Act, unless the context otherwise requires:

(1) "Improvement" contemplates original construction or substantial reconstruction, as distinguished from repair.

(2) "Public way" embraces a public street, sidewalk, boulevard, avenue, road, lane, alley, highway, parkway, court or terrace.

(3) "Street" means any public way other than a sidewalk.

(4) "Driveway" means any paved entrance through a curb and sidewalk from the curb line to the property line of the street.

(5) "Sidewalk" means a paved way for pedestrians along a street.

(6) "Sewer line" means a conduit above or below ground for the passage of sewage or storm water from original sources into a sewerage system; it consists primarily of what are commonly known as "lateral" lines, and does not embrace the things defined in subsection (7) of this section as embraced in a sewerage system; however, it may include manholes, street inlets, catch basins and leads thereto, and similar appurtenances.

(7) "Sewerage system" embraces trunk lines, outfall lines, interceptor lines, sewage disposal plants, sewage treatment plants, pumping stations, and related appurtenances.

(8) "Water line" means a pipe for the passage of water for public hydrants and private and public use and consumption, and may include fire hydrants and leads thereto.

(9) "Street improvement" embraces the construction and reconstruction of streets, including grading or regrading and paving or repaving of streets, and, if the city legislative body so orders, may embrace construction or reconstruction, either in whole or in part, of curbs, gutters, driveways, sewers, sewer inlets and catch basins where the same are to be constructed in connection with the street improvement project.

(10) "Sidewalk improvement" embraces the construction and reconstruction of sidewalks, including grading or regrading and paving or repaving, and, if the city legislative body so orders,

may embrace the construction or reconstruction of curbs, gutters and driveways, or the building or repair of catch basins and inlets, where the same are to be constructed in connection with the sidewalk improvement project.

(11) "Sewer line improvement" embraces the construction, reconstruction, laying or relaying of sewer lines, and, if the city legislative body so orders, may include the reconstruction of portions of public ways necessarily torn up or damaged in connection with the sewer line improvement project.

(12) "Sewerage system improvement" embraces the construction or reconstruction of a sewerage system or any part thereof, and, if the city legislative body so orders, may include the reconstruction of portions of public ways necessarily torn up or damaged in connection with the sewerage system improvement project.

(13) "Water line improvement" embraces the construction or reconstruction of a water line, and, if the city legislative body so orders, may include the reconstruction of portions of public ways necessarily torn up or damaged in connection with the water line improvement project.

(14) "Public improvement" embraces street improvements, sidewalk improvements, sewer line improvements, sewerage system improvements, and water line improvements, and each of these five kinds of improvements shall be deemed to be a separate "class" of improvement for the purposes of this Act.

(15) "Cost of improvement," among other things, embraces cost of labor, material and equipment necessary to complete a satisfactory work, cost of land acquired, and every expense connected with the improvement, including preliminary and other surveys, inspections of work, engineering fees and costs, attorneys' fees, preparation of plans and specifications, publication of notices, and cost of financing.

(16) "City" means a city of any class other than the first class.

Sec. 2. This Act provides for the making and financing of public improvements in cities of all classes other than the first class. However, it is not intended to affect the provisions of KRS 94.160 and 94.170, providing an alternate plan for the acquisition and operation of sewerage systems, nor is it intended

to affect the provisions of KRS 94.500 to 94.540, relating to the oiling of public ways, or the provisions of KRS 177.041 to 177.047.

Sec. 3. (1) The legislative body of a city may, by ordinance, provide for the making and financing of any public improvement, as provided in this Act.

(2) Before the city legislative body adopts an ordinance providing for the making of a public improvement, it shall adopt a resolution designating the route or area of the proposed improvement, setting out in general terms the character and extent of the proposed improvement, and declaring the improvement to be a necessity. The resolution shall be published in at least one issue of a newspaper of general circulation in the city, at least thirty days before the passage of the ordinance.

(3) Subject to the provisions of this Act, the city legislative body shall have full power to determine what public improvements shall be made, the extent and character of the improvement, the kind of material to be used, and the necessity for the improvement, and its determination shall be final. The city legislative body may do all things necessary to the proper execution and carrying out of any improvement.

Sec. 4. The city legislative body may provide for the improvement of more than one public way in the same ordinance and let a contract accordingly, if the improvements on all of the public ways included in the ordinance are to be of the same type of construction. The same principle shall apply to sewer line and water line improvements.

Sec. 5. (1) The original ordinance providing for the making and financing of a street improvement, any portion of the cost of which is to be assessed against property owners, must state whether the improvement is to be classed as a "complete" improvement or a "stage" improvement, and if it is to be classed as a "stage" improvement the ordinance must describe what additional stage improvements will be required before the street improvement will be complete. If the ordinance does not specifically designate the improvement as a "stage" improvement, it will be deemed to provide for a "complete" improvement. Where an improvement classed as "complete" has been made upon any street, and any portion of the cost thereof has been assessed against property owners, no assessment against

property owners for further improvement of that street, other than a widening project, may be made for a period of fifteen years from the date of the original ordinance.

(2) With respect to any public way improvement initiated prior to the effective date of this Act in a city of the fourth class, to which the provisions of subsection (4) of KRS 94.400 were applicable, the provisions of that subsection shall remain applicable for a period of 25 years from the date of completion of such improvement.

Sec. 6. In the original ordinance providing for the making of a public improvement, provision shall be made for advertisement for bids as provided in Section 16 hereof and for the levying of an improvement tax upon all benefited property to the extent that the same is to be assessed for the cost of the improvement, the amount of the tax to be ascertained and fixed in the apportionment ordinance as provided in Section 19 of this Act.

Sec. 7. In cities having a city legislative body consisting of two boards, no original ordinance for a public improvement shall pass both boards on the same day, but at least two weeks shall elapse between the passage of the ordinance from one board to the other. In cities with a single legislative body, such an ordinance shall have two readings before that body, and ten days shall elapse between the first and second readings. The date of the final passage shall be deemed to be the "date" of the ordinance for the purposes of this Act. Provided, however, in cities organized and operated under the commission or city manager form of government the provisions of KRS 89.230 and subsection (1) of KRS 89.590 shall apply.

Sec. 8. (1) Except as provided in Sections 9 and 10 of this Act, the city legislative body, in the original ordinance providing for the making of any public improvement, shall provide that the improvement be made at the exclusive cost of the owners of benefited property, as defined in Section 11 of this Act, or shall have the alternative of providing that the city shall pay a specified part of the cost and the owners of benefited property shall pay the balance.

(2) Benefited property owned by the city, county, state, or

owned by the Federal government or any of its agencies if such property is subject to assessment by Act of Congress, shall be assessed the same as private property, and the amount of the assessment shall be paid by the city, county, state or Federal government, as the case may be. The same right of action shall lie against the county as against a private owner. In the case of property owned by the state, the amount of the assessment shall be certified by the city treasurer to the Department of Finance, which shall thereupon draw a warrant on the State Treasurer for the amount, payable to the city treasurer, and the State Treasurer shall pay the warrant out of any money in the State Treasury not otherwise appropriated. For the purposes of this subsection, all public school property shall be deemed to be property owned by the state.

(3) No property shall be exempt from assessment.

Sec. 9. (1) In the case of intersections of sidewalks, sewer lines or water lines, the city legislative body, in the original ordinance providing for the public improvement that includes the intersection, shall have the alternative of providing that the city shall pay the entire cost of the intersection or that the cost of the intersection shall be included in the overall cost of the improvement and apportioned and assessed accordingly.

(2) For the purposes of this section, a sidewalk intersection shall be deemed to include any extension of a sidewalk from the property owner's line to the curb line.

(3) For the purposes of this section, a sewer line or water line intersection shall be deemed to consist of so much of the sewer or water line as lies below the area of a street intersection.

Sec. 10. (1) In the case of street intersections, the city legislative body, in the original ordinance providing for the public improvement that includes the intersection, shall have the alternative of providing that the city shall pay the entire cost of the intersection, or that the cost shall be apportioned and assessed as provided in subsections (2) and (3) of this section. In every case the cost of the intersection shall be deemed to be a separate item of cost, and there shall be included in the cost of the intersection a proportionate part of the financing costs and other incidental costs of the whole improvement project.

(2) The cost of the intersection shall be divided into as many parts as there are entrances to the intersection, two entrances being counted for each street that continues through the intersection. Measuring a distance of one block each way from the intersection, each such block shall be chargeable with one part of the cost of the intersection. The real estate abutting upon both sides of the street within each such block shall be deemed to constitute benefited property, and shall be assessed as provided in this Act for other benefited property, it being understood that in the case of benefited property abutting on the street that is being improved the assessment for the cost of the intersection shall be added to the assessment for the street improvement and treated as one assessment.

(3) Where the city legislative body has not elected that the city shall pay the entire cost of a street intersection, but has elected that the city shall pay a proportionate part of the entire cost of the street improvement project that includes the intersection, the city shall pay such proportionate part of the cost of the intersection.

Sec. 11. (1) In the case of street improvements, the benefited property shall consist of all real estate abutting upon both sides of the portion of the street to be improved, and, with respect to intersections, the real estate that constitutes benefited property under Section 10 of this Act.

(2) In the case of sidewalk improvements, the benefited property shall consist of all real estate abutting on the side of the street on which the improvement is to be made, for the distance of the improvement.

(3) In the case of sewer line or water line improvements, the benefited property shall consist of all real estate abutting on both sides of the public way under or along which the line is to be constructed, for the distance of the improvement.

(4) In the case of a sewerage system improvement, the benefited property shall consist of all real estate that will be benefited thereby within a benefited area as determined and fixed by the city legislative body in the original ordinance providing for the improvement. In the ordinance providing for such an improvement, the city legislative body may specify a plan for future

extension of sewer lines to property not immediately benefited by the sewerage system improvement, and classify such property as potentially benefited. The city legislative body shall then determine what portion of the cost of the improvement is properly chargeable to the potentially benefited property, on the same basis as immediately benefited property, enter the same upon the records as a deferred assessment, and cause the total thereof to be paid out of the general funds of the city. If within ten years thereafter a sewer line shall be constructed that will serve any of such potentially benefited property, the amount of the deferred assessment properly chargeable thereto may be included as part of the cost of the sewer line improvement, and assessed against the property owners accordingly.

Sec. 12. (1) Subject to the provisions of Section 13 and 14 of this Act, whenever the benefited property with respect to any public improvement consists of abutting real estate, the cost of the improvement, to the extent that it is to be assessed against benefited property shall be assessed and apportioned equally according to the number of front or abutting feet.

(2) Whenever the benefited property with respect to any public improvement consists of real estate within a designated benefited area, the cost of the improvement, to the extent that it is to be assessed against benefited property, shall be assessed according to the benefits received, as determined by the city legislative body.

Sec. 13. With respect to any public improvement the cost of which is to be assessed on the basis of front or abutting feet, the city legislative body may provide, in the original ordinance for the improvement, that in the case of corner lots along the side of which the improvement extends, and against which, within ten years next preceding the date of the ordinance, an assessment was made for an improvement of the same class upon an intersecting street, the corner lot, to the extent its footage along the proposed improvement does not exceed 120 feet, shall be exempt from assessment for the distance of one-half of such footage or for a distance equal to the lot's frontage on the intersecting street, whichever is less, and in apportioning the cost of the improvement among the various property owners such exempt footage shall not be counted as assessable footage.

Sec. 14. In the case of a sewer line or water line improvement any lot or parcel of real estate that abuts upon the public way under or along which the sewer line or water line is constructed shall, if the sewer line or water line extends to and reaches either property line of the lot or parcel on the public way so as to be available for service to the lot or parcel, be assessable according to the total number of feet of the lot or parcel that front or abut upon the public way, to the drainage limit or watershed dividing line, the same as if the sewer line or water line extended along all of such frontage. For the purposes of this section, any piece of real estate occupied and used as the grounds and yard area of a single dwelling shall be deemed to be one lot or parcel, notwithstanding that the same may be platted as separate lots.

Sec. 15. (1) Any assessment for a public improvement that exceeds 65% of the value of the lot or parcel of real estate upon which the assessment is made shall be void as to the excess.

(2) The city legislative body shall provide for the payment, out of the general funds of the city, of any excess assessment that is void under this section. In determining the value of a lot or parcel of real estate for the purposes of this section, any building or similar improvement or appurtenance thereon at the time said assessment is levied shall be included, and the enhancement of value as a result of the public improvement for which the assessment is being made shall also be taken into consideration.

Sec. 16. (1) Before the commencement of work on any public improvement, for any portion of the cost of which an assessment is to be made against benefited property, the city legislative body shall advertise for bids, and, except as provided in subsection (2) of this section, a contract for the work shall be let to the lowest and best bidder; however, the city legislative body may reject all bids and readvertise. The advertisement shall be published in a newspaper of general bona fide circulation in the city, once a week for two consecutive weeks prior to the day set for opening the bids. The city legislative body may require cash deposits or other guarantees from bidders to insure compliance with their bids, with forfeiture to the city if the accepted bidder fails to comply with his bid.

(2) The city legislative body may provide, in the ordinance providing for the making of any public improvement, that the city may do the work with its own forces and equipment. In that case the city shall prepare, prior to the opening of bids, an estimate of costs for the work, which estimate shall be read publicly at the time of opening the bids for the work, and which estimate must be itemized in the same classification as the bids. If the city's estimate is lower than any of the valid bids received, the city may then do the work with its own forces and equipment, and the costs as stated in the city's estimate shall not be exceeded in apportioning the cost thereof among the benefited property owners.

Sec. 17. The city legislative body may require bond of the contractor for any public improvement, with surety, for the performance of the work in accordance with the contract, and a guarantee of the work for such time as the city legislative body may require.

Sec. 18. The city legislative body may authorize periodic progress payments to the contractor for any public improvement, after inspection, out of such funds as have been set aside to meet the portion of the cost of the improvement which the city is to pay, or out of the general funds of the city not immediately required for some other purpose. Any payments so made out of general city funds shall be deemed to be advancements in anticipation of the collection of improvement tax assessments, and shall be repaid to the city out of the first proceeds from the collection of such assessments or out of the proceeds from the sale of improvement bonds. The city legislative body also may provide, in the contract for any public improvement, for payment of interest to the contractor on any unpaid portion of the contract price, at a rate not exceeding six percent per annum, commencing 60 days after final acceptance of the work.

Sec. 19. (1) When a public improvement has been made and the contract therefor completed, the city engineer, or, where the city does not have an engineer, such other officer as may be designated for the purpose by the city legislative body, shall prepare a full and complete certificate of apportionment, showing the total cost of the improvement, the number of assessable units

of benefited property, according to the basis of assessment as fixed pursuant to Section 12 of this Act, the cost per assessment unit, the names of the owners of the benefited property, the number of assessable units owned by each person, the proportionate part of the cost of the improvement to be assessed against the benefited property of each owner, and the proportionate part of the cost payable by the city. The certificate shall be delivered to the city clerk, to be by him transmitted to the city legislative body.

(2) Where the work on a public improvement has been done by contract, the city legislative body, upon receipt of the certificate of apportionment, shall designate a standing or special committee of the body, or the board of public works if there is one for the city, to inspect the work and report to the city legislative body as to whether the same should be accepted. The committee or board shall fix a time and place at which it will inspect the work. The city clerk shall then cause to be published in one issue of a newspaper of general circulation in the city, a notice stating the time and place so fixed for inspection of the work. The property owners concerned, or their agents or representatives, may appear and be heard before the committee or board as to whether the improvement has been made in accordance with the ordinance authorizing the work and the contract therefor.

(3) When the committee or board designated to inspect the work is satisfied that the work should be accepted, it shall so report to the city legislative body. Thereupon the city legislative body shall consider the engineer's certificate of apportionment and the report of the committee or board which inspected the work, and may then accept the work and confirm the engineer's certificate of apportionment, or, if it is of the opinion that the work has not been done in accordance with the contract or that the certificate of apportionment is incorrect, it may require the contractor to complete the work in accordance with the contract or it may modify the apportionment of costs to conform to the facts, or both.

(4) The acceptance of the work and confirmation of the apportionment of cost shall be by ordinance, and the city legis-

lative body shall, in the same ordinance, apportion the cost of the improvement, less such part as is to be paid by the city, among the owners of benefited property according to the basis of assessment fixed in the original ordinance providing for the improvement, and shall levy a tax upon each lot or parcel of benefited property for the amount of the cost apportioned thereto. An abstract of the ordinance shall be published in the manner provided by law for general ordinances of the city.

(5) At the same time the ordinance of apportionment and levy is published, or within one week thereafter, the city treasurer shall give notice, by publication in one issue of a newspaper of general bona fide circulation in the city, requiring all property owners to pay the improvement tax levied upon their property within 30 days after the day of publication of the abstract of such ordinance.

Sec. 20. The city legislative body, in its ordinance of apportionment and levy adopted under Section 19 of this Act, may make allowances and grant credit to property owners for improvements previously made by them to the extent, and only to the extent, that such existing improvements are of value and utility as a part of the improvement for which the improvement tax is levied, and may prescribe a plan or system for fixing and determining such allowances and credits.

Sec. 21. In any action arising under or in connection with this Act, a copy of the original ordinance providing for the making of the public improvement, and a copy of the ordinance of apportionment and levy, each attested by the city clerk, shall be prima facie evidence of the due passage, approval and publication of the ordinances and of the due execution and approval of the contract. The named documents shall also be prima facie evidence of every other fact necessary to be established to enable enforcement of an improvement tax and lien against benefited property.

Sec. 22. The improvement tax levied pursuant to Section 19 of this Act shall be due and payable at the office of the city treasurer thirty days after the day of publication of the ordinance of apportionment and levy, subject to deferment when the installment payment plan is adopted and accepted as provided in

Section 25 of this Act. Any tax that is not paid when due shall bear interest at the same rate that is applicable to general city taxes, which interest shall commence to run as of the due date of the improvement tax and shall continue to run and be chargeable as provided in Section 24 of this Act.

Sec. 23. Each improvement tax, together with the interest thereon, shall constitute a lien on the lot or parcel of benefited property against which it is assessed. The lien shall attach to each lot or parcel of benefited property as the same is described by the owner's deed of record in the county court clerk's office at the time of the adoption of the resolution required by subsection (2) of Section 3 of this Act and shall take effect upon the publication of the ordinance of apportionment and levy provided for in Section 19 of this Act, and thereupon shall take precedence over all other liens, whether created prior or subsequent to the publication of the ordinance, except state and county taxes, general municipal taxes and prior improvement taxes, and shall not be defeated or postponed by any private or judicial sale, by any mortgage or by any error or mistake in the description of the property or in the names of the owners. No error in the proceedings of the city legislative body shall exempt any property from the lien for the improvement tax, or the payment of the tax, after the work has been done and accepted. The city legislative body or the courts in which suits are pending shall make all corrections, rules and orders to do justice to all parties concerned.

Sec. 24. (1) Any improvement tax that is due and not paid prior to the next time for making out regular city tax bills may be placed upon the regular tax bill. The tax and accrued interest as of the tax due date shall be entered upon the bill for the face amount thereof, with a designation of the date as of which the tax commenced to bear interest. If the property owner desires to pay the improvement tax prior to the date on which the regular city taxes or any portion thereof become due, he shall be required to pay such interest as has actually accrued.

(2) If an improvement tax placed on the regular city tax bill is not paid prior to the date on which the regular city taxes covered by such bill, or any portion thereof, become subject to penalty and interest, the improvement tax and accrued interest

as of the tax due date shall then be subject to penalty and interest the same as the regular city taxes, and the tax shall be collectible and be collected in the same manner and by the same methods and remedies as the regular city taxes, except that the provisions of KRS 92.670 shall not apply.

(3) An improvement tax may be paid to the officer who is authorized to receive payments of regular city taxes. However, no discount allowable for early payment of regular city taxes shall be allowed for early payment of an improvement tax.

(4) A city may place improvement taxes on separate bills instead of on regular tax bills, and in such case the improvement tax, or any portion thereof, if not paid prior to the date on which the next regular city taxes become subject to penalty and interest, shall then become subject to the same penalty and interest as regular city taxes and shall be collectible and shall be collected in the same manner and by the same methods and remedies as the regular city taxes, except that the provisions of KRS 92.670 shall not apply.

Sec. 25. (1) In the original ordinance providing for a public improvement, the city legislative body shall have the alternative of providing that the improvement tax may, at the option of the property owners subject to the tax, be payable in installments, as provided in this section and in Section 26 of this Act. Any property owner who desires to exercise this option shall, before the expiration of 30 days from the day of publication of the abstract of the ordinance of apportionment and levy, enter into an agreement in writing with the city that in consideration of this privilege he will make no objection to any illegality or irregularity in the assessment, levy or imposition of the tax against his property, and that he will pay the tax in the manner provided in Section 26 of this Act. Any property owner entering into such an agreement shall be concluded thereby, and shall waive any defense against the payment of the tax. The agreement shall be filed in the office of the city treasurer, who shall preserve it as part of the records of his office.

(2) If any property subject to improvement tax is owned by an infant or a person of unsound mind or a life tenant, or is property which has descended by inheritance or will, the agree-

ment provided for in this section may be executed by the statutory guardian of the infant, or the committee or curator of the person of unsound mind, or the life tenant, or the heirs at law, or devisees, or the personal representative of the deceased owner of such property.

(3) In all cases where agreements have not been filed within the time specified in subsection (1) of this section, the entire improvement tax shall be payable in cash, and shall be subject to interest, as provided in Section 22 of this Act.

(4) Unless persons who, in the aggregate, are liable for at least $1,000 in improvement taxes exercise the option to pay on the installment plan, the option shall terminate as to all property owners, and the entire tax shall be payable in cash and be subject to interest as provided in Section 22 of this Act. In such case the property owners who have made payments under the installment option shall be credited for the amounts paid.

Sec. 26. In cases where the installment payment plan becomes operative, the installments and interest shall be payable as follows:

(1) If the next due date for regular city taxes will occur less than six months from the original due date for the improvement tax, as fixed by Section 22 of this Act, the property owner, at the time he executes the installment option agreement, shall pay to the city treasurer an amount equal to interest on the total amount of the improvement tax assessed against him, at the same rate of interest applicable to regular city taxes, computed from the original due date for the improvement tax to a date six months beyond the next due date for regular city taxes.

(2) If the next due date for regular city taxes will occur more than six months from the original due date for the improvement tax, the property owner, at the time he executes the installment option agreement, shall pay to the city treasurer the first installment of one-tenth of his total improvement tax, together with an amount equal to interest on the unpaid installments of the tax, at the same rate of interest applicable to regular city taxes, computed from the original due date for the improvement tax to a date six months prior to the next due date for regular city taxes.

(3) In the situation contemplated by subsection (1) of this section, an installment equal to one-tenth of his total improvement tax shall be payable by the property owner at the second succeeding due date for regular city taxes following the original due date for the improvement tax, and annually thereafter an additional one-tenth shall be due until the tax is paid.

(4) In the situation contemplated by subsection (2) of this section, the second installment of one-tenth of his total improvement tax shall be payable by the property owner at the due date for regular city taxes next following the original due date for the improvement tax, and annually thereafter an additional one-tenth shall be due until the tax is paid.

(5) At the time an installment is due, under either subsection (3) or (4) of this section, there shall also be due interest for one year on the installments that will thereafter remain unpaid, plus interest for six months on the installment then being paid, except that when the last installment is paid the only interest due shall be six months' interest on the installment then being paid. The interest shall be at the rate applicable to regular city taxes.

(6) The city treasurer may cause to be placed upon the regular city tax bills each installment due under subsection (3) or (4) of this section, with the interest payments due under subsection (5) of this section added thereto so as to make one sum. If such sum is not paid by the date the regular city taxes covered by the bill are due, the sum shall bear interest, at the rate applicable to regular city taxes, from that date until the date as of which the regular city taxes covered by the bill become subject to interest and penalty. The sum shall then become subject to interest and penalty the same as the regular city taxes, and shall be collectible and be collected in the same manner and by the same methods and remedies as the regular city taxes, except that the provisions of KRS 92.670 shall not apply. The provisions of subsection (3) of Section 24 of this Act shall apply to improvement tax installments placed on the regular city tax bill.

(7) Any property owner may, at any due date for an installment when five or less installments of his improvement tax remain to be paid (counting the installment then due), pay the entire

amount of the unpaid tax, together with six months' interest on that amount, which shall constitute full payment of the tax.

Sec. 27. The provisions of Section 23 and subsection (4) of Section 24 of this Act shall be applicable to improvement tax installments.

Sec. 28. (1) The city treasurer shall, upon order of the city legislative body, promptly apply all money paid in on improvement tax installments, including interest and penalties, to the payment of bonds and coupons issued in anticipation of the collections of the taxes. If the fund accumulated from the collection of installments, interest and penalties for any particular improvement is more than sufficient to pay the principal and interest of the bonds issued in anticipation of the collections, such excess shall be deposited into the general fund of the city. If there is any deficit, the city legislative body may provide for its payment out of the general funds of the city.

(2) The installments, interest and penalties collected on account of any one improvement unit shall be recorded in a separate account. Collections for the account of any and all such improvement units may be deposited and kept in a single depository or fund, but money from such depository or fund may be disbursed only for interest or in redemption of bonds issued for a particular improvement and only when the account balance of such improvement unit evidences the availability of money for such disbursement; provided, however, that money collected in excess of said interest and redemption requirements for any improvement unit may, after the amount is determined by an independent auditor, be transferred to the general fund of the city.

Sec. 29. (1) To provide a fund for the immediate payment of the cost of any public improvement made on the installment payment plan, the city legislative body may issue and sell improvement bonds in anticipation of the collection of that part of the improvement taxes that may not be paid at the original due date for the tax as fixed by Section 22 of this Act, pledging the taxes and the liens on the property for the payment of the principal and interest of the bonds, and apply the proceeds exclusively to the payment of the cost of the particular improvement in an-

ticipation of the collection of the taxes for which the bonds are issued. The bonds shall bear date 30 days after the original due date for the improvement tax, and shall be made payable to bearer. The bonds for each separate improvement shall be numbered consecutively throughout. Where the tax will be payable in the manner provided in subsections (1) and (3) of Section 26 of this Act, the bonds shall be divided into ten series. Where the tax will be payable in the manner provided in subsections (2) and (4) of Section 26 of this Act, the bonds shall be divided into nine series. The series in each case shall be as nearly equal as practicable.

(2) The bonds shall be of the denomination of $100 or its multiple. Any odd amount over $100 or its multiple may be included in the last bond to mature. No bond shall be issued for less than $100. The bonds shall have the name of the improvement for which they are issued printed, engraved or written thereon, and shall state the character of the improvement.

(3) The bonds, with interest, shall be payable at the depository designated by the city. Where the bonds are divided into ten series, the first series shall be payable 30 days after the first installment of the tax becomes due, as provided in subsection (3) of Section 26 of this Act, and the remaining series shall be payable one each year thereafter for nine years. Where the bonds are divided into nine series, the first series shall be payable 30 days after the second installment of the tax becomes due, as provided in subsection (4) of Section 26 of this Act, and the remaining series shall be payable one each year for eight years. The bonds in every case shall bear interest at a rate not exceeding six percent per annum from the date of the bonds. If the first series of bonds is payable more than one year after the date which the bonds bear, an initial interest payment shall be payable on a date six months prior to the due date of the first series, covering the interest accrued on all series to that date. If the first series of bonds is payable less than one year after the date which the bonds bear, the initial interest payment covering accrued interest on all series shall be payable on the due date of the first series. After the initial interest payment, interest on all unpaid bonds shall be payable semi-annually at the end of each six months.

All bonds shall have suitable coupons attached thereto evidencing the initial and semi-annual interest.

(4) The bonds and coupons shall be signed by the mayor (in cities of the sixth class the chairman of the board of trustees) and countersigned by the treasurer, but the coupons may be signed by lithograph. The city clerk shall attest the signatures to the bonds under the city seal. It shall not be necessary in the bonds to recite the steps taken in ordering the improvement or in assessing the improvement tax, but it shall be sufficient to make a general reference to those proceedings and to this Act. The bonds shall be negotiable and shall be free from all defenses by any property owner.

(5) The bonds shall be exempt from all taxation. They shall not be sold for less than par and accrued interest, but if no offer is made for the bonds equal to par and accrued interest, the city may turn them over to the contractor in full payment of the contract price of the improvement for which they are issued.

(6) Any premium realized from the sale of the bonds shall go into the fund for the payment of the bonds and interest.

(7) Several public improvements of the same class may be combined and treated as one unit for the purpose of issuing bonds.

Sec. 30. (1) Improvement bonds issued under this Act, and the interest thereon, shall be payable exclusively out of funds actually collected by the city on account of the improvement taxes in anticipation of which the bonds are issued, and except as provided in Section 15 and Section 31 of this Act the city shall in no event be liable on any such bond except to the extent of funds so actually collected.

(2) Bonds of the last four series of any issue shall be subject to payment and redemption at any interest-paying date that occurs within five years of the due date of the bonds. The city treasurer shall give the owner of the bond proposed to be redeemed at least 20 days' notice by registered letter. The owner of any bond subject to redemption shall notify the city treasurer of his post office address and any changes therein and the city treasurer shall keep a record of the address opposite the number

of the bond on his records. The notice shall be directed to the recorded address, and if no address is recorded the notice shall be directed to such owner at his last known address. The bond specified in the notice shall bear no interest after the date fixed for its redemption, and this provision shall be shown in substance on the bonds. Mailing the registered letter 20 days before the time fixed for redemption shall be deemed a compliance with this subsection.

(3) After the issue of bonds no suit shall lie to enjoin or resist the collection of any improvement tax in anticipation of which the bonds are issued, and the validity of the same shall not be questioned, but all property owners shall be conclusively estopped from assailing the effectiveness or validity thereof, nor shall any suit be brought or defended on the ground that the assessment exceeded the maximum percentage of the value of the real estate levied against as provided in Section 15 of this Act.

(4) The bonds shall convey to the owners thereof all right, title and interest in the improvement taxes and liens on the benefited property, which liens, until released after payment, shall stand as security for the bonds and coupons until they are paid. If any bond or coupon is not paid on presentation, the owner thereof may maintain an appropriate action to compel the city to enforce collection of the improvement taxes under the remedies provided in this Act, and in such an action it shall not be necessary to make the other bondholders parties; the proceeds of the action shall be paid into the city treasury for the redemption of matured bonds and coupons as if paid without suit.

Sec. 31. (1) When a city has been authorized to incur an indebtedness for a public improvement at an election by the voters thereof held pursuant to law, either before or after the improvement is made, the city legislative body may, to the extent of such authorization, issue and sell bonds of the city in anticipation of the collection of the improvement taxes assessed for the improvement, pledging the faith and credit of the city, in addition to the improvement taxes and liens provided for in this Act, for the payment of the principal and interest of the bonds. The bonds shall constitute an indebtedness of the city, for the payment of which, with interest, the city shall be liable in its cor-

porate capacity. The bonds shall be issued and sold as provided by law for other city bonds.

(2) The city legislative body shall provide for the collection of an annual tax sufficient to pay the interest on the bonds, and to create a sinking fund for the payment of the principal within the period of time, not exceeding ten years, provided for the payment of the improvement taxes in anticipation of which the bonds are issued. In any year in which the collections from the improvement taxes are sufficient to pay the interest on the bonds and to provide the necessary sinking fund, it shall not be necessary for the city to collect any general tax for that purpose, and in any year it shall be necessary for the city to collect only an amount of general taxes sufficient, when added to the improvement taxes collected for the improvement, to meet the requirements of this section.

(3) Upon payment by the city of any bond issued under this section, the city shall become the owner thereof, and be subrogated to the rights of the bondholder. Thereafter all collections of improvement taxes, in anticipation of which the bond was issued, shall belong to the city.

Sec. 32. (1) Unless otherwise provided by law or otherwise provided by the franchise or contract pursuant to which a railroad company or street railway company occupies a public way with its tracks, the cost of improving that portion of the public way occupied by the tracks of the railroad or street railway company shall be assessed against the company, and an improvement tax shall be levied upon all the property, assets and franchises of the company in the city for the payment thereof. The tax shall be levied and assessed, shall be payable, collectible and bear interest, and shall constitute a lien, in the same manner and under the same provisions as provided in this Act for improvement taxes against benefited property generally. The company shall have the same privilege of paying the tax on the installment plan, and under the same terms and conditions, as provided in this Act for other property owners.

(2) A railroad company or street railway company may construct its own part of the proposed public way improvement, and if it does so no tax shall be assessed against it, but the com-

pany shall, before the letting of the contract for the improvement, elect, by written request presented to the city legislative body, to construct its part of the improvement, and execute a bond to the city with surety to be approved by the city legislative body, conditioned that it will do the work of improving such part of the public way with the materials, according to the plans and specifications, within the time, and subject to the provisions prescribed by the ordinance therefor.

Sec. 33. (1) The cost of maintenance and repair of water lines, sewer lines, and sewerage systems, as distinguished from the cost of improvement thereof, shall be paid by the city, except that nothing in this Act shall affect any power which a city may have under other laws to impose a rental or service charge for the use of water lines, sewer lines or sewerage systems and to use the proceeds thereof for the purpose of operation, repair and maintenance.

(2) The city legislative body may cause any work it deems necessary to be done with respect to the repair and maintenance of public ways, water lines, sewer lines and sewerage systems.

Sec. 34. Sections 94.180 to 94.270, 94.290 to 94.350, 94.380 to 94.490, and 94.580 to 94.660 of the Kentucky Revised Statutes are repealed, except that they shall continue to apply to and govern any public improvement initiated thereunder prior to the effective date of this Act, with respect to all procedures, rights and obligations affecting or arising out of such improvement.

Sec. 35. Whereas, This Act materially aids in the efficient and economical development of public improvements and it is therefore essential that it become operative during the impending construction season, an emergency is declared to exist, and this Act shall take effect upon its passage and the approval of the Governor.

S. B. No. 142. AN ACT relating to mechanics' and materialmen's liens.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 376.010 of the Kentucky Revised Statutes is amended to read as follows:

(1) Any person who performs labor or furnishes materials for the erection, altering or repairing of a house or other structure or for any fixture or machinery therein, for the excavation of cellars, cisterns, vaults, wells or for the improvement in any manner of real property including the furnishing of agricultural lime, fertilizer, concrete pipe or drainage tile, crushed rock, gravel for roads or driveways, and materials used in the construction or maintenance of fences, by contract with, or by the written consent of, the owner, contractor, subcontractor, architect or authorized agent, shall have a lien thereon, and upon the land upon which the improvements were made or on any interest the owner has therein, to secure the amount thereof with cost. The lien on the land or improvements shall be superior to any mortgage or encumbrance created subsequent to the beginning of the labor or the furnishing of the materials, and the lien, if asserted as hereinafter provided, shall relate back and take effect from the time of the commencement of the labor or the furnishing of the materials. The lien shall not be for a greater amount in the aggregate than the contract price of the original contractor, and should the aggregate amount of the liens exceed the price agreed upon between the original contractor and the owner there shall be a pro rata distribution of the original contract price among the lien-holders.

(2) The lien shall not take precedence over a mortgage or other contract lien or bona fide conveyance for value without notice, duly recorded or lodged for record according to law, unless the person claiming the prior lien shall, before the recording of the mortgage or other contract lien or conveyance, file in the office of the clerk of the county court of the county wherein he has furnished or expects to furnish labor or materials, a statement showing that he has furnished or expects to furnish labor or materials, and the amount in full thereof. The lien shall not, as against the holder of a mortgage or other contract lien or con-

veyance, exceed the amount of the lien claimed or expected to be claimed as set forth in the statement. The statement shall in other respects, be in the form prescribed by KRS 376.080.

(3) No person who has not contracted directly with the owner or his agent shall acquire a lien under this section unless he notifies in writing the owner of the property to be held liable or his authorized agent, within seventy-five days after the last item of material or labor is furnished, of his intention to hold the property liable and the amount for which he will claim a lien. It shall be sufficient to prove that the notice was mailed to the last known address of the owner of the property upon which the lien is claimed, or to his duly authorized agent within the county in which the property to be held liable is located.

Ordered that said bills be printed and referred.

Mr. Burnley moved that the House do now recess for fifteen minutes.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

ORDERS OF THE DAY

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 184. AN ACT relating to elections for members of school boards, amending sections 160.180, 160.260 and subsection (1) of section 160.210 of the Kentucky Revised Statutes.

Mr. Hanratty moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 221. AN ACT regulating the lights on vehicles; and defining words and phrases as used in Chpater 189 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 189.040 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) Motor vehicles shall have at least two lamps in front, showing white, or tinted other than red, and of sufficient power to reveal clearly substantial objects at least 350 feet ahead. Two-wheeled motorcycles need have only one such lamp. On all motor vehicles there shall also be a selective lowermost distribution of light, or composite beam, so aimed that:

(a) When the motor vehicle is not loaded, none of the high intensity portion of the light which is directed to the left of the prolongation of the extreme left side of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of ten inches below the level of the center of the lamp from which it comes.

(b) When the motor vehicle is not loaded, none of the high intensity portion of the light which is directed to the right of the prolongation of the extreme left side of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of five inches below the center of the lamp from which it comes. It shall reveal objects one hundred feet ahead. Any light projected ahead or sidewise shall be so arranged or deflected that no glaring rays from it or from any reflector shall be at any time more than three and one-half feet above a plane at a distance of seventy-five feet or more ahead of the vehicle. In case of accident or emergency, motor vehicles may display lanterns or other lights of smaller power, but if the lights are insufficient to reveal clearly substantial objects at least seventy-

five feet ahead, the vehicles shall not proceed at a rate of speed in excess of twenty miles per hour. No motor vehicle shall be sold unless the light projected by the headlights meets the requirements of this subsection at the time of sale.

(2) Headlights arranged to provide a single distribution of light not supplemented by auxiliary driving lights shall be permitted on motor vehicles manufactured and sold prior to May 30, 1939, in lieu of multiple-beam road lighting equipment, if the single distribution of light complies with the following requirements and limitations;

(a) The headlights shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall, at a distance of twenty-five feet ahead, project higher than a level of five inches below the level of the center of the light from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands, at a distance of seventy-five feet ahead.

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

(c) Whenever the operator of a motor vehicle approaches an oncoming vehicle within five hundred feet, he shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver. In no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five feet ahead, and in no case higher than a level of forty-two inches above the level upon which the vehicle stands at a distance of seventy-five feet ahead.

(3) If a city by ordinance designates certain well-lighted streets or parts of streets as being sufficiently illuminated during certain periods and provides that during such periods front lights may be of lesser power than is required by subsections (1) and (2), subsections (1) and (2) shall not apply.

(4) Flashing lights are prohibited on all motor vehicles, except as a means for indicating a right or left turn. This sub-

section shall not apply to authorized emergency vehicles and wreckers.

(5) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front. This subsection shall not apply to authorized emergency vehicles.

(6) All wreckers when in use at the scene of a motor vehicle accident shall display at least one yellow flashing light clearly visible to all vehicles approaching the scene of the accident.

(7) Subsection (1) shall apply to bicycles except that they need have only one light in front which will reveal clearly substantial objects at least fifty feet ahead.

Section 2. A new section of the Kentucky Revised Statutes is created to read as follows:

(1) As used in Chapter 189 the following words and phrases shall have the meanings respectively ascribed to them.

(a) "Authorized emergency vehicle" shall mean any police vehicle at all times or an ambulance and fire apparatus when operated in connection with an emergency.

(b) "Wrecker" shall mean a motor vehicle on which a wrecking crane and other equipment suitable for motor vehicle wrecker service has been permanently mounted.

Mr. Williamson moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were–

Bernam Adams	W. M. Horn	Amos Runyan
Bill Adams	Paul S. Jonas	Dr. Roy Sanders
Sidney Baer	Barkley Jones	LeRoy Saylor
Clarence J. Barnum	William Jones	Roy Searcy
C. E. Baumgardner	Mrs. J. T. Linton	Paul E. Shannon
Fred Beshear	Homer E. Losey	Gus Sheehan, Jr.
Thomas L. Britton	A. L. (Chick) Love	Jesse H. Shelton
J. D. Buckman, Jr.	True Mackey	Forest Smith
Charles W. Burnley	John Martin	Joseph T. Snapp
Alex Calvert	William T. Marshall	John M. Spaulding
Stanley Carter	G. Lee McClain	Roy Steers
R. Josh Cosby	Fred H. Morgan	Raymond D. Stigall
Owen Deering	C. S. Nabb	Mrs. Thelma Stovall
James P. Hanratty	Dr. C. E. Palmore	M. G. Thompson
George F. Harris	James H. Polsgrove	Rev. T. H. Tinsley
Paul E. Hayes	Leonard W. Preston	Fred M. Warns
John A. Head	Hobart Rayburn	Harry Lee Waterfield
Harold G. Helm	W. R. Reasor	G. F. Williamson
William K. Henry	Carl J. Ruh	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Williamson moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Waterfield moved that the rules be suspended and the House take up for consideration from the Clerk's desk a bill of the following title, viz:

H. B. No. 129. AN ACT imposing a penalty for removing or altering serial numbers on farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

Said motion was agreed to by a majority of the members elected.

Mr. Waterfield moved that a bill of the following title, viz:

S. B. No. 51. AN ACT imposing a penalty for removing or altering serial numbers on farm equipment or machinery, amending Section 433.640 of the Kentucky Revised Statutes.

Be substituted for said bill.

Without objection, said motion was withdrawn.

Mr. Waterfield moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 222. AN ACT relating to proceedings if an arrest be made without a warrant.

Said bill is as follows, Viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 46 of the Criminal Code of Practice is hereby amended to read as follows:

(1) If an arrest be made without a warrant, whether by a peace officer or private person, the defendant shall be forthwith carried before the most convenient magistrate of the county in which the arrest is made, and the grounds on which the arrest was made shall be stated to the magistrate; and if the offense

for which the arrest was made be charged to have been committed in a different county from that in which the arrest was made, and the magistrate believe, from the statements made to him on oath, that there are sufficient grounds for an examination, he shall, by his written order, commit the defendant to a peace officer, to be conveyed by him before a magistrate of the county in which the offense is charged to have been committed; or, if the offense be a misdemeanor, the defendant may give bail before the magistrate for his appearance before the judge of the county court of the county in which the offense was committed, on a day to be named in the bail bond, or for his appearance before the court having jurisdiction to try the offense, on a day to be fixed by the magistrate.

(2) If the arrest without a warrant be for violation of any provision of Chapters 186, 187, 189 and 281 of the Kentucky Revised Statutes, the arresting officer may, instead of proceeding as in Subsection (1) of this Section, issue a citation requiring the defendant to appear before a magistrate of the county in which the offense occurred at a future time to be stated in the citation. In no event shall the citation state a time of appearance in excess of five days from date of arrest.

(3) Any person failing to obey a citation issued in accordance with Subsection (2) of this Section shall be guilty of a separate offense and shall be fined not less than ten dollars nor more than one hundred dollars.

Mr. Williamson moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	James P. Hanratty	Fred H. Morgan
Bill Adams	George F. Harris	C. S. Nabb
Edgar Arnett	Paul E. Hayes	Dr. C. E. Palmore
Sidney Baer	John A. Head	Hobart Rayburn
Clarence J. Barnum	Harold G. Helm	W. R. Reasor
C. E. Baumgardner	William K. Henry	Carl J. Ruh
Leonard T. Bean	Ray Holbrook	Amos Runyan
John D. Beatty	Woodrow W. Hollan	Dr. Roy Sanders
Fred Beshear	Chester J. Holsclaw	LeRoy Saylor
L. E. Bradley	W. M. Horn	Gus Sheehan, Jr.
Edward O. Bridgers	Robert N. Hubbard	Jesse H. Shelton
Charles J. Bronston	Paul S. Jonas	Forest Smith
J. D. Buckman, Jr.	Barkley Jones	Joseph T. Snapp
Mrs. M. E. Burnett	William Jones	John M. Spaulding
Charles W. Burnley	James W. Lambert	Roy Steers
Stanley Carter	Jesse H. Lawrence	Raymond D. Stigall
Paul Combs	Mrs. J. T. Linton	Mrs. Thelma Stovall
R. Josh Cosby	Homer E. Losey	W. R. Stringer
B. H. Crider	Harry K. Lowman	M. G. Thompson
Owen Deering	True Mackey	Rev. T. H. Tinsley
G. I. Drury	John Martin	Fred M. Warns
Thomas R. Duncan	William T. Marshall	Harry Lee Waterfield
R. C. Estepp, Sr.	G. Lee McClain	G. F. Williamson
Henry C. Hale	Jack McPherron	Charles W. Wirsch
C. A. Hammons	Emmett G. Moore	—74

Those who voted in the negative were—

A. L. (Chick) Love Leonard W. Preston —2

Resolved that the title thereof be as aforesaid.

Mr. Williamson moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 220. AN ACT regulating the distance between motor trucks and semi-trailer trucks when operating upon a highway.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 189.340 (6) (b) of the Kentucky Revised Statutes is hereby amended to read as follows:

(6) The operator of any motor truck or semi-trailer truck when traveling upon a highway outside of a business or residential district shall not follow within 250 feet of another motor truck or semi-trailer truck. This subsection shall not prevent overtaking and passing, nor shall it apply to any lane specially designated for use of motor trucks or semi-trailer trucks.

Mr. Williamson moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul E. Hayes	James H. Polsgrove
Edgar Arnett	John A. Head	Leonard W. Preston
Sidney Baer	Harold G. Helm	Hobart Rayburn
Clarence J. Barnum	William K. Henry	W. R. Reasor
C. E. Baumgardner	Woodrow W. Hollan	Carl J. Ruh
Leonard T. Bean	Chester J. Holsclaw	Amos Runyan
John D. Beatty	W. M. Horn	Dr. Roy Sanders
Fred Beshear	Robert N. Hubbard	LeRoy Saylor
L. E. Bradley	Paul S. Jonas	Roy Searcy
Edward O. Bridgers	Barkley Jones	Paul E. Shannon
Thomas L. Britton	William Jones	Gus Sheehan, Jr.
Charles J. Bronston	James W. Lambert	Jesse H. Shelton
J. D. Buckman, Jr.	Jesse H. Lawrence	Forest Smith
Mrs. M. E. Burnett	Mrs. J. T. Linton	Joseph T. Snapp
Charles W. Burnley	Homer E. Losey	John M. Spaulding
Alex Calvert	A. L. (Chick) Love	Roy Steers
Paul Combs	True Mackey	Raymond D. Stigall
R. Josh Cosby	Damon Majors	Mrs. Thelma Stovall
B. H. Crider	John Martin	W. R. Stringer
Owen Deering	William T. Marshall	Rev. T. H. Tinsley
G. I. Drury	Archie R. Moore	Ralph N. Walter
R. C. Estepp, Sr.	Emmett G. Moore	Fred M. Warns
Mitchell S. Fannin	Fred H. Morgan	Harry Lee Waterfield
James P. Hanratty	C. S. Nabb	G. F. Williamson
George F. Harris	Dr. C. E. Palmore	Charles W. Wirsch

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Those who voted in the negative were—

C. A. Hammons J. Claude Stacy —2

Mr. Williamson offered the following amendment to said bill, viz:

Amend printed copy of H. B. 220, on page 1, by adding to the title the following sentence:

"This Act shall be known as the Williamson-Beatty-Love Act."

Said amendment to the title of said bill was agreed to.

Resolved that the title thereof be as amended.

Mr. Williamson moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 202. AN ACT relating to the duties and functions of the deputy commissioner of welfare.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The deputy commissioner of welfare appointed pursuant to KRS 12.050, may, when a designation in writing to that effect has been filed with the Governor by the Commissioner of Welfare, exercise such powers and authority appertaining to the office of Commissioner as are specified in the written designation.

WHEREAS, doubt, confusion and uncertainty exists as to the duties, responsibilities and powers of the office of the deputy commissioner of welfare, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Tinsley moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	William K. Henry	Dr. C. E. Palmore
Bill Adams	Ray Holbrook	James H. Polsgrove
Edgar Arnett	Woodrow W. Hollan	Hobart Rayburn
Sidney Baer	W. M. Horn	W. R. Reasor
Clarence J. Barnum	Robert N. Hubbard	Carl J. Ruh
C. E. Baumgardner	Paul S. Jonas	Amos Runyan
Leonard T. Bean	Barkley Jones	Dr. Roy Sanders
Fred Beshear	William Jones	LeRoy Saylor
L. E. Bradley	James W. Lambert	Roy Searcy
Edward O. Bridgers	Jesse H. Lawrence	Paul E. Shannon
Thomas L. Britton	Mrs. J. T. Linton	Gus Sheehan, Jr.
Charles J. Bronston	Homer E. Losey	Jesse H. Shelton
J. D. Buckman, Jr.	A. L. (Chick) Love	Forest Smith
Mrs. M. E. Burnett	Harry K. Lowman	Joseph T. Snapp
Charles W. Burnley	True Mackey	John M. Spaulding
Paul Combs	Damon Majors	Roy Steers
R. Josh Cosby	John Martin	Raymond D. Stigall
B. H. Crider	William T. Marshall	Mrs. Thelma Stovall
Thomas R. Duncan	G. Lee McClain	M. G. Thompson
R. C. Estepp, Sr.	Jack McPherron	Rev. T. H. Tinsley
Mitchell S. Fannin	Archie R. Moore	Ralph N. Walter
C. A. Hammons	Emmett G. Moore	Fred M. Warns
James P. Hanratty	Walter R. Moorman	Harry Lee Waterfield
George F. Harris	Fred H. Morgan	G. F. Williamson
Paul E. Hayes	C. S. Nabb	Charles W. Wirsch
Harold G. Helm		

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Resolved that the title thereof be as aforesaid.

Mr. Tinsley moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in this body of the following title, viz:

H. B. No. 200. AN ACT relating to payment of expense allowances to the members of the General Assembly and the Lieutenant-Governor of the Commonwealth of Kentucky, and declaring an emergency to exist.

With an amendment thereto by way of substitute therefor as proposed and adopted by the Senate.

(For bill see H. J. of February 17, 1950, ante.)

Said amendment to said bill by way of substitute therefor is as follows, viz:

AN ACT relating to the payment of expense allowances to the members of the General Assembly, including the Lieutenant-Governor in his capacity as President of the Senate, and declaring an emergency to exist.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY:

Section 1. Each member of the General Assembly, including the Lieutenant-Governor in his capacity as President of the Senate, shall be paid out of the State Treasury the sum of ten dollars per day for each day for which he draws or has drawn per diem compensation during the period of the present legislative session, which sum is hereby declared to be the equivalent of the minimum sum that each such member has expended or will be required to expend each day, in the performance of his official duties, for postage, telephone and telegraph service, supplies, stationery, stenographic assistance, books and periodicals. The Commissioner of Finance shall, forthwith upon the

taking effect of this Act, draw his warrant on the State Treasurer in favor of each member of the General Assembly, including the Lieutenant-Governor, for the total of the sums payable to each such member under this Act, less the amount paid or authorized to be paid under KRS 6.220, and the necessary amount to pay the same is hereby appropriated out of the General Expenditure Fund. The sums so received shall be expended by each member of the General Assembly, including the Lieutenant-Governor, in his discretion, the manner in which same shall be applied in payment or reimbursement of such expenses being determined by him.

Section 2. Whereas, present economic conditions are imposing an unconscionable burden upon the members of the General Assembly, and it will enhance the welfare of the public by expediting the work of the General Assembly if provision is made immediately for payment of sums to cover expenses incurred by the members particularly in connection with the maintaining of close contact and the exchanging of information with their constituents, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Duncan moved that the House do now concur in said amendment to said bill by way of substitute therefor.

Said motion was agreed to.

And thereupon said amendment to said bill by way of substitute therefor was agreed to.

Said bill, having been engrossed, was then passed as amended.

The yeas and nays being taken on the passage of said bill in acordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Leonard T. Bean	Thomas L. Britton
Sidney Baer	John D. Beatty	Charles J. Bronston
Clarence J. Barnum	L. E. Bradley	Alex Calvert
C. E. Baumgardner	Edward O. Bridgers	Stanley Carter

Paul Combs	Barkley Jones	Paul E. Shannon
B. H. Crider	Jesse H. Lawrence	Gus Sheehan, Jr.
Owen Deering	Homer E. Losey	Forest Smith
G. I. Drury	True Mackey	Joseph T. Snapp
Thomas R. Duncan	Damon Majors	John M. Spaulding
R. C. Estepp, Sr.	John Martin	Roy Steers
Mitchell S. Fannin	William T. Marshall	Raymond D. Stigall
Henry C. Hale	Jack McPherron	Mrs. Thelma Stovall
John A. Head	Archie R. Moore	W. R. Stringer
William K. Henry	Emmett G. Moore	Rev. T. H. Tinsley
Woodrow W. Hollan	Fred H. Morgan	Ralph N. Walter
Chester J. Holsclaw	Dr. C. E. Palmore	Fred M. Warns
W. M. Horn	James H. Polsgrove	G. F. Williamson
Robert N. Hubbard	Carl J. Ruh	Charles W. Wirsch
Paul S. Jonas		

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Those who voted in the negative were—

Edgar Arnett	William Jones	Hobart Rayburn
Fred Beshear	Mrs. J. T. Linton	W. R. Reasor
J. D. Buckman, Jr.	A. L. (Chick) Love	LeRoy Saylor
Charles W. Burnley	Harry K. Lowman	Roy Searcy
R. Josh Cosby	Walter R. Moorman	Jesse H. Shelton
C. A. Hammons	C. S. Nabb	J. Claude Stacy
Paul E. Hayes	Leonard W. Preston	M. G. Thompson
Ray Holbrook		

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Mr. Duncan moved that the House do now adopt the title of said amendment to said bill by way of substitute therefor as the title of said bill.

Said motion was agreed to.

Thereupon, the title of said amendment to said bill by way of substitute therefor was agreed to.

Resolved that the title thereof be as amended.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 1. AN ACT relating to Fireworks.

Mr. Hubbard moved that said bill be laid on the Clerk's desk, subject to immediate consideration at any time.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 245. AN ACT relating to rates for composition for public printing.

Mr. Hanratty moved that consideration of said bill be deferred and same be allowed to retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 217. AN ACT extending the jurisdiction of the Board of Claims and amending KRS 176.290, 176.310, 176.320, 176.330, 176.340, and 176.380.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. That KRS 176.290 be amended so that when amended it shall read as follows, to-wit:

(1) A Board of Claims composed of a Judge or Commissioner of the Court of Appeals, appointed by the Chief Justice of the Court of Appeals, the Attorney-General, and the Commissioner of Finance, is hereby created and vested with full power and authority to investigate, hear proof, and to compensate persons for damages sustained to either person or property as a proximate result of negligence on the part of the Common-

wealth, any of its departments or agencies, or any of its agents or employees while acting within the scope of their employment by the Commonwealth or any of its departments or agencies.

(2) The Board shall have jurisdiction of claims for the recovery of money where the amount in controversy, exclusive of interest and costs, does not exceed $5,000.

SECTION 2. That KRS 176.310 be amended so that when amended it shall read as follows, to-wit:

The Attorney-General, either by regular or special assignment, shall designate one of his assistants to present any opposition the Commonwealth or any of its departments or agencies may have to the allowance of any claim filed with the Board.

SECTION 3. That KRS 176.320 shall be amended so that when amended it shall read as follows, to-wit:

(1) The members of said Board and the Assistant Attorney-Generals assigned to defend claims filed with the Board shall receive no additional compensation for the performance of their duties on or before the Board; provided, however, members of the Board, Assistant Attorney-Generals, and all employees of the Board shall be recompensed for all reasonable expenses they may incur incident to their duties for or before the Board. All awards or judgments made by the Board against the Department of Highways shall be paid out of the State Road Fund, upon warrants drawn by the Commissioner of Finance upon the State Treasurer. All awards or judgments made by the Board against other departments or agencies of the State, which are not maintained by appropriations out of the General Fund, shall be paid out of funds created or collected for the maintenance and operation of such departments or agencies respectively, upon warrants drawn by the Commissioner of Finance upon the State Treasurer. All awards or judgments made by the Board against all other departments or agencies of the Commonwealth shall be paid out of the General Fund of the Commonwealth, upon warrants drawn by the Commissioner of Finance upon the State Treasurer. All costs incident to the operation of said Board shall be paid out of the State Road Fund, upon warrants

drawn by the Commissioner of Finance upon the State Treasurer; provided, however, in all cases wherein claims are filed against the Commonwealth or any of its departments or agencies other than the Department of Highways, the Clerk of the Board shall tax as costs of the action the same fees allowed for corresponding services in actions instituted in the Circuit Court, and such costs, when collected, shall be covered into the State Treasury to the credit of the State Road Fund. The Board of Claims shall have the power and authority to determine the right of any party to an action before it to recover of the opposing party the costs incurred by him or it in such action; and such decision shall not be subject to appeal.

(2) Should the business of the Board require clerical or other help, such help shall be employed only by written consent of the Commissioner of Highways, the Commissioner of Finance, and the Governor.

Section 4. KRS 176.330 shall be amended so that when amended it shall read as follows, to-wit:

A claim must be presented to the Board within one year from the time it first shall have accrued; provided however, any claim which shall have accrued between January 1, 1948 and the effective date of this Act shall be filed with the Board within one year after the effective date of this Act.

SECTION 5. That KRS 176.340 shall be amended so that when amended it shall read as follows, to-wit:

An award or judgment shall be made only after consideration of the facts surrounding the matter in controversy, and no award or judgment shall be made unless the Board is of the opinion that the damage claimed was caused by such negligence on the part of the Commonwealth or its agents as would entitle claimant to a judgment in an action at law if the State were amenable to such action.

SECTION 6. KRS 176.380 shall be amended so that when amended it shall read as follows, to-wit:

KRS 176.290 to 176.380 shall not be construed to deprive any person whose claim amounts to more than $5,000 from suing in the Courts, where such right exists or would have existed if KRS 176.290 to 176.380 had not been enacted into the laws of this Commonwealth; provided however, any action prosecuted to judgment under the provisions of KRS 176.290 to 176.380 shall preclude the right of such claimant to sue the Commonwealth or any of its departments or agencies in any other forum.

SECTION 7. All Acts or parts of Acts in conflict herewith, to the extent of such conflict, hereby are repealed.

Mr. Hayes moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Leonard T. Bean	J. D. Buckman, Jr.
Sidney Baer	Fred Beshear	Mrs. M. E. Burnett
Clarence J. Barnum	Edward O. Bridgers	Charles W. Burnley
C. E. Baumgardner	Charles J. Bronston	Alex Calvert

Paul Combs	Paul S. Jonas	Amos Runyan
R. Josh Cosby	Barkley Jones	Dr. Roy Sanders
G. I. Drury	Jesse H. Lawrence	Gus Sheehan, Jr.
Thomas R. Duncan	Mrs. J. T. Linton	Jesse H. Shelton
Mitchell S. Fannin	A. L. (Chick) Love	Joseph T. Snapp
Henry C. Hale	Harry K. Lowman	John M. Spaulding
James P. Hanratty	True Mackey	Raymond D. Stigall
George F. Harris	Jack McPherron	Mrs. Thelma Stovall
Paul E. Hayes	Fred H. Morgan	W. R. Stringer
John A. Head	C. S. Nabb	M. G. Thompson
William K. Henry	James H. Polsgrove	Rev. T. H. Tinsley
Chester J. Holsclaw	W. R. Reasor	Ralph N. Walter
W. M. Horn	Carl J. Ruh	Fred M. Warns
Robert N. Hubbard		—52

Those who voted in the negative were—

Bill Adams	Woodrow W. Hollan	Hobart Rayburn
Edgar Arnett	James W. Lambert	LeRoy Saylor
John D. Beatty	Homer E. Losey	Roy Searcy
Thomas L. Britton	John Martin	J. Claude Stacy
R. C. Estepp, Sr.	Emmett G. Moore	Roy Steers
C. A. Hammons	Dr. C. E. Palmore	Harry Lee Waterfield
Harold G. Helm	Leonard W. Preston	Charles W. Wirsch
Ray Holbrook		—22

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Burnley moved that the rules be suspended for the purpose of allowing a Report of Committee.

Said motion was agreed to by a majority of the members elected.

Thereupon, the Committees to which the same had previously been referred, reported bills of the following titles, viz:

Mr. Steers of the Committee on Cities of 4th Class.

H. B. No. 314. AN ACT changing the classification of the City of Falmouth, in Pendleton County.

H. B. No. 337. AN ACT changing the classification of the City of Augusta, in Bracken County.

Mr. Burnley of the Committee on Ways and Means.

S. B. No. 112. AN ACT relating to the ad valorem tax systems of the state, counties and cities.

With the expression of opinion that same should pass.

Whereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

The Speaker announced that he had referred bills and resolutions heretofore introduced or reported, as follows, viz:

H. B. No. 364—Committee on Kentucky Statutes No. 2.
H. B. No. 365—Committee on Kentucky Statutes No. 1.
H. B. No. 366—Committee on Kentucky Statutes No. 1.
H. B. No. 367—Committee on Kentucky Statutes No. 1.
H. B. No. 368—Committee on Kentucky Statutes No. 1.
H. B. No. 369—Committee on Kentucky Statutes No. 1.
H. B. No. 370—Committee on Kentucky Statutes No. 1.
H. B. No. 371—Committee on Kentucky Statutes No. 1.
H. B. No. 372—Committee on Kentucky Statutes No. 1.
H. B. No. 373—Committee on Kentucky Statutes No. 1.
H. B. No. 374—Committee on Kentucky Statutes No. 1.
H. B. No. 375—Committee on Kentucky Statutes No. 1.
H. B. No. 376—Committee on Kentucky Statutes No. 1.
H. B. No. 377—Committee on Cities of the First Class.
H. B. No. 378—Committee on Education No. 1.
H. B. No. 379—Committee on Cities of the Fifth Class.
H. B. No. 380—Committee on Kentucky Statutes No. 1.

H. B. No. 381—Committee on Kentucky Statutes No 1.
H. B. No. 382—Committee on Kentucky Statutes No. 1.
H. B. No. 383—Committee on Kentucky Statutes No. 1.
H. B. No. 384—Committee on Kentucky Statutes No. 1.
H. B. No. 385—Committee on Kentucky Statutes No. 2.
H. B. No. 386—Committee on Appropriations.
H. B. No. 387—Committee on Ways and Means.
H. B. No. 388—Committee on Education No. 1.
H. B. No. 389—Committee on Education No. 1.
H. B. No. 390—Committee on Motor Transportation No. 1.
H. B. No. 391—Committee on Revenue & Taxation No. 1.
H. B. No. 392—Committee on State Fair.
H. B. No. 393—Committee on Revenue and Taxation No. 1.
H. B. No. 394—Committee on Fish and Game.
H. B. No. 395—Committee on Ways and Means.
H. B. No. 396—Committee on Cities of 2nd Class.
H. B. No. 397—Committee on Motor Transportation No. 1.
H. B. No. 398—Committee on Kentucky Statutes No. 1.
H. B. No. 399—Committee on Ways and Means.
H. B. No. 400—Committee on Revenue and Taxation No. 1.
H. B. No. 401—Committee on Revenue and Taxation No. 1.
H. B. No. 402—Committee on Motor Transportation No. 1.
H. B. No. 403—Committee on Kentucky Statutes No. 1.
H. B. No. 404—Committee on Kentucky Statutes No. 1.
H. B. No. 405—Committee on Ways and Means.
H. B. No. 406—Committee on Kentucky Statutes No. 1.
H. B. No. 407—Committee on Revenue and Taxation No. 1.
H. B. No. 408—Committee on Courts.
H. B. No. 409—Committee on Labor.
H. B. No. 410—Committee on Kentucky Statutes No. 1.
H. B. No. 411—Committee on Kentucky Statutes No. 1.
H. B. No. 412—Committee on Soil Conservation.
H. B. No. 413—Committee on Kentucky Statutes No. 1.
H. B. No. 414—Committee on Kentucky Statutes No. 1.

H. B. No. 415—Committee on Courts.
H. Res. No. 49—Committee on Claims.
H. Res. No. 51—Committee on Claims.
H. Res. No. 52—Committee on Claims.
H. Res. No. 53—Committee on Claims.
H. Res. No. 54—Committee on Claims.
H. Res. No. 55—Committee on Legislative Research.
H. Res. No. 56—Committee on Claims.
H. Res. No. 57—Committee on Claims.
S. B. No. 78—Committee on Suffrage and Elections.
S. B. No. 51—Committee on Kentucky Statutes No. 1.
S. B. No. 98—Committee on Cities of First Class.
S. B. No. 90—Committee on Kentucky Statutes No. 1.
S. B. No. 101—Committee on Kentucky Statutes No. 1.
S. B. No. 119—Committee on Kentucky Statutes No. 1.
S. B. No. 120—Committee on Cities of the First Class.
S. B. No. 128—Committee on Cities of the First Class.
S. Res. No. 22—Committee on Claims.
S. Res. No. 31—Committee on Claims.
S. Res. No. 32—Committee on Claims.

Mr. Hanratty moved that the House do now adjourn to meet again at 1 o'clock, p.m., Tuesday, February 28, 1950.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, FEBRUARY 28, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by the Reverend O. Leland Gilmore, pastor of the First Presbyterian Church, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams	Harold G. Helm	James H. Polsgrove
Bill Adams	William K. Henry	Leonard W. Preston
Edgar Arnett	E. R. Hilton	Hobart Rayburn
Sidney Baer	Ray Holbrook	W. R. Reasor
Walter J. Bailey	Woodrow W. Hollan	Carl J. Ruh
Clarence J. Barnum	Chester J. Holsclaw	Amos Runyan
C. E. Baumgardner	W. M. Horn	Dr. Roy Sanders
Leonard T. Bean	Richard R. Houpt	LeRoy Saylor
John D. Beatty	Durham W. Howard	Roy Searcy
Fred Beshear	Robert N. Hubbard	Paul E. Shannon
L. E. Bradley	Silas Jacobs	James S. Shaw
Edward O. Bridgers	Paul S. Jonas	Gus Sheehan, Jr.
Thomas L. Britton	Barkley Jones	Jesse H. Shelton
Charles J. Bronston	William Jones	Forest Smith
J. D. Buckman, Jr.	James W. Lambert	Joseph T. Snapp
Charles W. Burnley	Jesse H. Lawrence	John M. Spaulding
Alex Calvert	Mrs. J. T. Linton	Roy Steers
Stanley Carter	Homer E. Losey	Raymond D. Stigall
Paul Combs	A. L. (Chick) Love	Mrs. Thelma Stovall
R. Josh Cosby	Harry K. Lowman	W. R. Stringer
B. H. Crider	True Mackey	Egbert V. Taylor
Owen Deering	Damon Majors	M. G. Thompson
G. I. Drury	John Martin	Rev. T. H. Tinsley
Thomas R. Duncan	William T. Marshall	Ralph N. Walter
R. C. Estepp, Sr.	G. Lee McClain	Fred M. Warns
Mitchell S. Fannin	Jack McPherron	Harry Lee Waterfield
Henry C. Hale	Archie R. Moore	Lyle H. Webb
C. A. Hammons	Emmett G. Moore	Morris Weintraub
James P. Hanratty	Walter R. Moorman	G. F. Williamson
George F. Harris	Fred H. Morgan	Charles W. Wirsch
Paul E. Hayes	C. S. Nabb	Adron Doran,
John A. Head	Dr. C. E. Palmore	Speaker

Mr. Baer moved that leaves of absence be granted to Mrs. Burnett and Messrs. Blevins, Maurice G. Howard, Mitchell and Stacy.

Said motion was agreed to.

Mr. Harris moved that the reading of the Journal of the proceedings of Monday, February 27, 1950, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills of the following titles, viz:

S. B. No. 49. AN ACT changing the classification of the City of Richmond, in Madison County, and declaring an emergency to exist.

H. B. No. 200. AN ACT relating to payment of expense allowances to the members of the General Assembly and the Lieutenant-Governor of the Commonwealth of Kentucky, and declaring an emergency to exist.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that said bill which originated in the Senate be deliered to the Enrolling Clerk of the Senate.

Ordered that the Enrolling Clerk deliver said bill which originated in this House to the Senate.

After a time, the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bill which originated in the House duly signed by the President of the Senate.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Hanratty moved that the House take up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 184. AN ACT relating to elections for members of school boards, amending Sections 160.180, 160.260 and subsections (1) of section 160.210 of the Kentucky Revised Statutes.

Said motion was agreed to.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 160.180 of the Kentucky Revised Statutes is amended to read as follows:

(1) No person shall be eligible to membership on a board of education;

(a) Unles he has attained the age of twenty-four years; and

(b) Unless he has been a citizen of Kentucky for a least three years preceding his election and, if in an independent district, is a voter of the district for which he is elected, or, if in a county district, is a voter of the division of the district for which he is elected; and

(c) Unless he has completed at least the eighth grade in the common schools as shown by the records of the school in which the eighth grade was completed or by affidavit of the teacher or teachers under whom the work was completed, or unless he has the equivalent of an eighth grade education as determined by an examination held under rules and regulations adopted by the State Board of Education; or

(d) Who holds or discharges the duties of any civil or political office, deputyship or agency under the city or county of his residence; or

(e) Who, at the time of his election, is directly or indirectly interested in the sale to the board of books, stationery or any other property, materials, supplies, equipment or services for which school funds are expended; or

(f) Who has been removed from membership on a board of education for cause.

(2) If, after the election of any member of the board, he becomes interested in any contract with or claims against the board, of the kind mentioned in paragraph (e) of subsection (1) of this section, or becomes a candidate for nomination or election to any office or agency the holding and the discharge of the duties of which would have rendered him ineligible before

election, or, by moving from the district or division in which he resides, he fails to maintain the residence required provided by paragraph (b) of subsection (1) of this section, or if he does anything that would render him ineligible for re-election, his office shall, without further action, be vacant.

(3) A board member shall be eligible for re-election unless he becomes disqualified.

(4) No member of a board of education shall vote regarding the appointment or employment in any capacity of any person related to him, as father, mother, brother, sister, husband, wife, son, daughter, nephew, niece, aunt, uncle, son-in-law, daughter-in-law or first cousin, and the majority vote of the remainder of the board is required in case of appointment or employment of such person.

Sec. 2. Section 160.260 of the Kentucky Revised Statutes is amended to read as follows:

(1) In county districts each voter shall vote for one candidate from each division from which a member is being elected by making a cross in the square opposite the name of the candidates for whom he wishes to vote. The candidate from each division receiving the highest number of votes cast for the candidates from that division shall be declared elected.

(2) In independent school districts each voter may vote for as many candidates as there are members to be elected by making a cross in the square opposite the name of each candidate for whom he wishes to vote, and the ballot shall show the number of board members to be elected. The candidates, in number equal to the number of members to be chosen, who have the highest number of votes shall be declared elected.

Sec. 3. Subsection (1) of section 160.210 of the Kentucky Revised Statutes is amended to read as follows:

In independent school districts, the members of the school board shall be elected from the district at large. In county school districts, members shall be elected from divisions by the voters of the entire district.

Mr. Carter moved the Previous Question.

Mr. Preston moved that when the House adjourns today it adjourn to meet again at 10 o'clock, a.m., on Wednesday, March 1, 1950.

Mr. Lowman raised the point of order that the motion as made by Mr. Preston undebatable as the motion for the Previous Question was before the House.

The Speaker ruled the point of order as raised by Mr. Lowman well taken.

Thereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the negative.

Mr. Hale offered the following amendment to said bill, viz:

Amendment No. 1. Amend printed copy of House Bill No. 184 on page 3, by adding at the end a new Section to be numbered Section 4 and to read as follows:

"This Act shall become effective January 1, 1951."

Said Amendment No. 1 to said bill was disagreed to.

Mr. Britton offered the following amendment to said bill, viz:

Amendment No. 2. Amend printed copy of House Bill No. 184, by adding at the end of the bill the following:

"Sec. 4. (1) In county school districts the superintendent of schools shall be elected by popular vote, such election to be conducted under and according to the regular election laws, except that no candidate for the office shall be required to have registered as affiliated with any political party or to have registered at all as a voter. Any candidate for the office of superintendent of county schools shall possess such qualifications as are established by the state Department of Education. The initial election under this section shall be held at the regular November election in 1950 and the persons elected at that time shall take office on January 1, 1951.

(2) The terms of all county school superintendents now in office or appointed prior to January 1, 1951 shall expire January 1, 1951."

Mr. Searcy offered the following amendment to said Amendment No. 2 to said bill, viz:

Amend printed copy of House Bill No. 184 by adding at the end a new section reading as follows:

"The superintendents of independent school districts shall be elected in a like manner and for the same terms that superintendents of county schools are elected, and all the provisions of Sections 1 through 4 of this Act shall likewise apply to independent school districts and to the superintendents thereof."

Mr. Waterfield raised the point of order that the amendment as offered by Mr. Searcy was not germane to the subject matter contained in said Amendment No. 2 to said bill.

The Speaker ruled the point of order well taken.

The Speaker announced that under the provisions of Rule 3, Subsection (e) the time for motions had expired.

Mr. Waterfield moved that the rules be suspended and motion hour continue indefinitely.

Said motion was agreed to by a majority of the members elected.

Mr. Hanratty raised the point of order that said Amendment No. 2 was not germane to the subject matter contained in said bill.

The Speaker ruled the point of order well taken and said Amendment No. 2 out of order.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Sidney Baer	Chester J. Holsclaw	James H. Polsgrove
Clarence J. Barnum	Richard R. Houpt	W. R. Reasor
C. E. Baumgardner	William Jones	Forest Smith
Edward O. Bridgers	Mrs. J. T. Linton	Mrs. Thelma Stovall
J. D. Buckman, Jr.	William T. Marshall	M. G. Thompson
Paul Combs	G. Lee McClain	Rev. T. H. Tinsley
Owen Deering	C. S. Nabb	Geo. F. Williamson
James P. Hanratty		

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Those who voted in the negative were—

Bernam Adams	Harold G. Helm	Dr. C. E. Palmore
Bill Adams	William K. Henry	Leonard W. Preston
Edgar Arnett	Ray Holbrook	Hobart Rayburn
Walter J. Bailey	W. W. Hollan	Carl J. Ruh
Leonard T. Bean	W. M. Horn	Amos Runyan
John D. Beatty	Durham W. Howard	Dr. Roy Sanders
Fred Beshear	Silas Jacobs	LeRoy Saylor
L. E. Bradley	Paul S. Jonas	Roy Searcy
Thomas L. Britton	Barkley Jones	Paul E. Shannon
Charles W. Burnley	James W. Lambert	James S. Shaw
Stanley Carter	Jesse H. Lawrence	Gus Sheehan, Jr.
R. Josh Cosby	Homer E. Losey	Jesse H. Shelton
B. H. Crider	A. L. (Chick) Love	Joseph T. Snapp
G. I. Drury	Harry K. Lowman	John M. Spaulding
Thomas R. Duncan	True Mackey	Roy Steers
R. C. Estepp, Sr.	Damon Majors	W. R. Stringer
Mitchell S. Fannin	John Martin	Fred M. Warns
Henry C. Hale	Jack McPherron	Harry Lee Waterfield
C. A. Hammons	Archie R. Moore	Lyle H. Webb
George F. Harris	Emmett G. Moore	Morris Weintraub
Paul E. Hayes	Walter R. Moorman	Charles W. Wirsch
John A. Head	Fred H. Morgan	

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Mr. Losey moved that the vote by which said bill was rejected be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following title, viz:

S. B. No. 152. AN ACT to regulate the racing of trotting horses in the Commonwealth of Kentucky and providing for the establishment of the Kentucky Trotting Commission and prescribing its powers and duties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. (1) As used in this Act, unless the context requires otherwise:

(a) "Association" includes incorporated as well as unincorporated associations; and

(b) "Commission" means "Kentucky Trotting Commission."

(c) "Trotting Races" shall include both trotting and pacing races.

(2) Sections 2 to 10 of this Act do not apply to trots or trotting races conducted by any state, county or other fair association, holding not more than one meeting annually, which meeting does not exceed six days.

SECTION 2. (1) The Kentucky Trotting Commission shall be an agency independent of state administrative departments.

(2) The commission shall consist of five persons appointed by the Governor. The members of the commission shall hold their offices for a term of four years.

(3) The commission shall biennially make a full report to the General Assembly of its proceedings for the two-year period

ending December 1 preceding the meeting of the General Assembly, and shall embody in the report such suggestions and recommendations as it deems desirable.

SECTION 3. (1) The Governor shall appoint a secretary of the commission, for a term of not exceeding four years.

(2) The secretary shall keep a full record of the proceedings of the commission, preserve at its general office all books, maps, documents and papers entrusted to the commission, and perform such other duties as the commission prescribes.

(3) The secretary shall receive an annual salary which shall be fixed by the commission, and which shall be paid by proportionate contributions of the several trotting associations licensed by the commission. The commission, on or before December 1 of each year, shall assess upon each trotting association its just proportion of the salary of the secretary.

SECTION 4. (1) The commission may prescribe the regulations and conditions under which trotting horse races shall be conducted in this state.

(2) An association desiring to conduct trotting horse races may annually apply to the commission for a license. If in the judgment of the commission a proper case for issuance is shown, it may grant the license for a term of one year. Every license shall contain a condition that all trotting horse races or meetings conducted under it shall be subject to the regulations and conditions from time to time prescribed by the commission.

(3) A license shall be revocable by the commission for any violation of it or whenever the continuance of the license is deemed by the commission not conducive to the interests of legitimate racing. If a license is refused or revoked, the commission shall publicly state its reasons for the refusal or revocation and those reasons shall be written in full in the minute book of the commission, which shall at all times be subject to inspection by anyone desiring to inspect it. A refusal of the commission to grant to any trotting association a license, or to assign any trotting association at least forty days in each year, if desired for trotting races or meetings at the track of the association, and the revocation of the license of any association shall be subject to judicial review.

SECTION 5. Except as provided in subsection (2) of Section 1:

(1) No trotting horse race shall be conducted except by an association licensed by the commission.

(2) No person shall operate or participate in any trotting horse race meeting at which trotting horse racing is permitted for a prize or stake, unless the race meeting has been licensed under Section 4.

(3) Every trotting horse race not licensed under Section 4 is a public nuisance, and the commission may obtain an injunction against it, in the circuit court of the county where the unlicensed race is proposed to take place.

SECTION 6. (1) An association formed for the purpose of racing and breeding or improving the breed of trotting horses and conducting contests of speed may hold one or more trotting race meetings between April 1 and December 1 of each year.

(2) At such meetings the association or the owners of the horses engaged in the trotting races, or others that are not participants in the racing, may contribute prizes or stakes to be contested for, but no person other than the owner of a horse contesting in a trotting race shall have any pecuniary interest in a prize or stake contested for in that race, or be entitled to, or receive any portion of the prize or stake after the race has been finished. The whole of the prize or stake shall be allotted in accordance with the terms of the race.

SECTION 7. No person shall knowingly enter or cause to be entered for competition, or compete, for a prize or stake, or drive any horse, under an assumed name, or out of its proper class, where the prize or stake is to be decided by a contest of speed.

SECTION 8. (1) No person shall change the name of any horse for the purpose of entry for competition in any contest of speed, after the horse has once contested for a prize or stake, except as provided by the code of rules of the association under which the contest is advertised to be conducted.

(2) The class to which a horse belongs, for the purpose of an entry in any contest of speed, shall be determined by the

public performance of that horse in any former contest or trial of speed, as provided by the rules of the association under which the proposed contest is advertised to be conducted.

(3) No person shall knowingly misrepresent or fraudulently conceal the public performance in any former contest, or trial of speed, of any horse that he proposes to enter in a contest, whether the horse is actually entered or not.

SECTION 9. No official timer at any trotting race shall announce willfully and falsely a slower or faster time than that actually accomplished by a horse, when the result of that race is to constitute a record.

SECTION 10. (1) Any person who violates subsection (2) of Section 5 shall be fined not less than five hundred nor more than one thousand dollars for each day of the meeting or racing.

(2) Any person who violates Section 7 or subsection (3) of Section 8 shall be fined not more than one thousand dollars. In addition to the fine, he shall be imprisoned in the county jail for not more than one year or imprisoned in the penitentiary for not more than two years.

(3) Any person who violates Section 9 shall, for each offense, be fined not more than five hundred dollars, or imprisoned for not more than six months, or both fined and imprisoned.

S. B. No. 158. AN ACT to amend Chapter 289 of the Kentucky Revised Statutes relating to Building and Loan Associations by adding thereto a new section to be known as Section 289.520 and providing for the insurance of shares of stock of Building and Loan Associations in the Federal Savings and Loan Corporation or any other approved Savings and Loan Insurance Corporation with power to purchase stock in said Corporation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 289.520. Power to purchase stock in Savings and Loan Insurance Corporation and insure stock in same.

1. Building and Loan Associations authorized under this chapter shall have power, and are authorized to apply to the Federal Savings and Loan Insurance Corporation, or any other Savings and Loan Insurance Corporation or Building and Loan Insurance Corporation, for the insurance of their shares of stock as provided in Title IV of the National Housing Act, and to do all things necessary to provide for such insurance of shares of stock, including the payment of any premiums or assessments therefor, and if necessary or desirable to purchase stock in said Corporation in connection therewith, and to continue to provide such insurance through said Corporation or any other Federal or State instrumentality providing such insurance of shares of stock or similar protection for stockholders, savers and investors in such associations.

2. No association shall purchase stock or insure its stock in any Savings and Loan or Building and Loan Insurance Corporation other than the Federal Savings and Loan Insurance Corporation without the approval of the Commissioner of Banking.

S. B. No. 169. AN ACT relating to the examination of credit unions; examination fees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 290.100 of the Kentucky Revised Statutes is amended to read as follows:

(2) Each credit union shall pay to the Department an examination fee based upon the gross asset value of the corporation, in accordance with the following schedule:

Assets	Fee
$ 5,000 and Under	$ 15.00
5,000 to $ 15,000	20.00
15,000 to 25,000	30.00
25,000 to 100,000	50.00
100,000 to 200,000	60.00
200,000 to 500,000	100.00
500,000 and Over	125.00

An additional fee of $10.00 shall be paid by any credit union, the books of which are not balanced to a date within sixty days prior to the examination.

S. B. No. 180. AN ACT relating to the ad valorem tax for state purposes upon unmanufactured agricultural products.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 132.020 of the Kentucky Revised Statutes is amended to read as follows:

An annual ad valorem tax for state purposes of five cents upon each one hundred dollars of value of all real property directed to be assessed for taxation, and twenty-five cents upon each one hundred dollars of value of all money in hand, shares of stock, notes, bonds, accounts and other credits, whether secured by mortgage, pledge or otherwise, or unsecured, and twenty-five cents upon each one hundred dollars of value of unmanufactured agricultural products, and fifty cents upon each one hundred dollars of value of all other property directed to be assessed for taxation shall be paid by the owner or person assessed except as provided in KRS 132.030, 132.050, 132.200, 136.270, 136.300, 136.320, and other sections providing a different tax rate for particular property.

S. B. No. 184. AN ACT relating to motor vehicles including the registering and licensing of manufacturers, dealers and operators of motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Subsection (2) of Section 186.010 of the Kentucky Revised Statutes is amended to read as follows:

"Highway" means every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license or privilege, for the purpose of vehicular traffic.

Section 2. Section 186.010 of the Kentucky Revised Statutes is amended by adding thereto subsection (9) to read as follows:

"Dealer" means any person engaging in the business of buying or selling motor vehicles.

Section 3. Section 186.070 of the Kentucky Revised Statutes is amended to read as follows:

(1) Every manufacturer of, or dealer in, motor vehicles in this state shall register with each county clerk in which his principal office or place of business and any branch office or subagent or agency is located, and pay an annual registration fee of twenty-five dollars to each clerk. Upon receipt of this fee, the clerk shall issue to the manufacturer or dealer a certificate of registration and one dealer plate. Every manufacturer or dealer registered under this section shall be furnished additional dealer's plates upon the payment of five dollars for each plate so desired. A motor vehicle bearing dealer's plates may be used only by a member of the firm registered or by a bona fide salesman or employee of the firm for any purpose reasonably connected with the sale or demonstration for sale and delivery of the dealers' motor vehicles, or by any manufacturer or dealer licensed as provided above in transporting any motor vehicle over the highway of this state to his place of retail business from a manufacturer or wholesale dealer in motor vehicles.

(2) Each manufacturer and dealer when making application for dealer's plates shall file a verified statement with the clerk, giving the name and address of each member of the firm and each bonafide salesman or employee entitled to the use of the plates for demonstration purposes only. When any bona fide salesman or employee so registered is no longer in the employ of the firm, an amended verified statement shall be filed with the clerk showing that fact, and when any additional salesman or employees are employed, an amended verified statement show-

ing their names and addresses shall be filed with the clerk so that the records in the clerk's office will at all times show the bona fide salesmen and employees actually in the service of the registered dealer or manufacturer.

(3) Any manufacturer or dealer violating any of the provisions of KRS 186.070 may be cited by the Department of Revnue to show cause at a public hearing before the Kentucky Tax Commission why his dealer's license should not be suspended and his dealer's plates cancelled by the Commission. The manufacturer or dealer shall be notified by registered letter or summons. Upon cause the Kentucky Tax Commission shall have the power to suspend for the period of not less than thirty days nor more than ninety days the manufacturer's or dealer's license and to cancel his dealer's plates. The aggrieved manufacturer or dealer may appeal from the ruling of the Kentucky Tax Commission according to the provisions of KRS 131.120. Such manufacturer or dealer whose license has been suspended is prohibited from engaging in the business of selling or buying motor vehicles. The license of any manufacturer or dealer shall be revoked for a period of one year and his dealer's plates cancelled in the event he violates any of the provisions of KRS 186.070 during his suspension period or has been suspended by the Commission more than twice for violations of KRS 186.070. At the end of the revocation or suspension period the manufacturer or dealer whose license has been revoked or suspended and dealers plates cancelled may follow the provisions of KRS 186.070 and again be registered and secure dealer's plates from the clerk.

Section 4. Section 186.080 of the Kentucky Revised Statutes is hereby repealed, effective January 1, 1951.

Section 5. Section 186.220 of the Kentucky Revised Statutes is hereby repealed.

Section 6. Section 186.240 of the Kentucky Revised Statutes is amended to read as follows:

It shall be the duty of the department to carry out the provisions of KRS 186.020 to 186.260 and in so doing shall:

(1) Prepare and furnish to the clerk in each county a sufficient supply of all forms and blanks provided for in KRS 186.020 to 186.260, provided that the forms for receipts shall be designated for the writing of not less than triplicate copies, the originals of which shall be numbered consecutively for each county; the second and third copies bearing the same number as the original; and the colors of all copies shall be different and the combination of colors shall not be the same for consecutive years. Receipts to be used as duplicates for lost receipts, as provided in KRS 186.180 (1), shall be in duplicate only, and shall not be numbered.

(2) Keep a numerical record of all registration numbers issued in the state, for which they may use the second copy of receipts forwarded by the clerk of each county, and also keep a record of motor or vehicle numbers required by KRS 186.160.

(3) Furnish to each clerk, originally each year upon estimate, and thereafter upon requisition at all times a sufficient supply of plates and other insignia evidencing registration for all classes of vehicles required to be registered. The Department shall prescribe a plate of practical form and size for police identification purposes which shall contain only the registration number, the word "Kentucky" or the abbreviation thereof, "Ky." and the name of the county in which the plate is issued or in lieu thereof the words "Official", "Highway", "Executive," or "Farm," and the year for which the license is issued if the year is not evidenced as otherwise provided in this chapter; provided, however, no numerals indicating any year shall be placed upon any license plate issued under and in accordance with the provisions of KRS 186.060, relating to the licensing of vehicles owned exclusively by the state. A state slogan may be placed upon such plate if so desired.

(4) Annually estimate the quantity of plates, insignia, and other forms necessary for the succeeding year for each county in the state and said estimated quantity shall be delivered to the clerk in each county not later than December 1.

(5) Receive all moneys forwarded by the clerk in each county and turn same over to the State Treasurer for the benefit

of the State Road Fund; and out of this fund there shall be appropriated to the department administering KRS 186.020 to 186.260 an amount to be expended in the manner provided by law for the adminstration of its functions.

(6) Require an accounting by the clerk in each county for any moneys received by him under the provisions of this chapter, after deduction of his fees under this chapter, and for all receipts, forms, plates and insignia consigned to him.

(7) When applied for under KRS 186.160, motor or vehicle numbers assigned shall be distinctive to show that they were designated by the department.

Section 7. Subsection (2) of Section 187.290 of the Kentucky Revised Statutes is amended to read as follows:

"Highway"—Every way or place of whatever nature when any part of it is open, to the use of the public, as a matter of right, license or privilege, for purpose of vehicular traffic.

Section 8. Subsection (2) of Section 187.330 of the Kentucky Revised Statutes is amended to read as follows:

This section shall not apply:

(a) To such operator or owner if such owner had in effect at time of such accident an automobile liability policy with respect to the driver and the motor vehicle involved in such accident;

(b) To such operator, if not the owner of such motor vehicle if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

(c) To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the department, covered by any other form of liability insurance policy or bond; or

(d) To any person qualifying as a self-insurer under KRS 187.600.

Ordered that said bills be printed and referred.

The message which was received from the Senate also announced that they had passed bills which originated in this body of the following titles, viz:

H. B. No. 135. AN ACT relating to report filing date, method of payment and penalties pertaining to taxes on gasoline and other motor fuels.

H. B. No. 136. AN ACT relating to Revenue and Taxation; repealing Section 138.356 Kentucky Revised Statutes.

H. B. No. 137. AN ACT relating to revenue and taxation of amusement admissions; amending Section 138.030 Kentucky Revised Statutes.

H. B. No. 138. AN ACT relating to the condemnation of property for road and bridge purposes and related purposes by the Commonwealth for the use and benefit of the Department of Highways, and providing alternative methods therefor, and repealing KRS 177.080, 177.090, and 177.100.

H. B. No. 139. AN ACT relating to the condemnation of property for road and bridge purposes and other related purposes by the Commonwealth of Kentucky for the use and benefit of the Department of Highways, and by counties and municipalities therein, amending Section 416.115 of the Kentucky Revised Statutes by providing for an additional procedure or alternative method of condemnation.

H. B. No. 140. AN ACT relating to the escheat of funds represented by unclaimed pari-mutuel winning tickets.

H. B. No. 141. AN ACT relating to revenue and taxation of Public Utility Gross Receipts; amending Section 136.250 Kentucky Revised Statutes.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

The Speaker announced that the next order of business was the Introduction of Bills.

Mr. Waterfield raised the point of order that on a motion agreed to, the motion hour was extended indefinitely.

The Speaker ruled the point of order as raised by Mr. Waterfield not well taken as the motion, which was agreed to, extending the motion hour indefinitely pertained to House Bill No. 184 only.

Mr. Weintraub arose and spoke to a point of personal privilege regarding the work done by the Committees of the House of Representatives on bills introduced up to February 20th, 1950.

Mr. Fannin moved that the rules be suspended and the privilege of the floor extended to Mr. George P. Anderson.

Said motion was unanimously agreed to.

Mr. Hammons moved that the rules be suspended and the privilege of the floor extended to Mr. Roy Hubbard.

Said motion was unanimously agreed to.

Mr. Hollan moved that the rules be suspended and the privilege of the floor extended to Mr. Sidney Stewart.

Said motion was unanimously agreed to.

Mr. Barkley Jones moved that the rules be suspended and the privilege of the floor extended to Mr. Fred Schultz, Jr., Mrs. George Hart and Mr. Carmon Parks.

Said motion was unanimously agreed to.

Mr. McClain moved that the rules be suspended and the privilege of the floor extended to Mr. W. C. Stevens.

Said motion was unanimously agreed to.

Mr. Snapp moved that the rules be suspended and the privilege of the floor extended to Assistant Chief Crump and Patrolman Wills G. Williams.

Said motion was unanimously agreed to.

Mr. Buckman moved that the rules be suspended for the purpose of making a motion.

Mr. Waterfield moved to amend the motion as made by Mr. Buckman to include several motions.

The Speaker ruled the motion as made by Mr. Waterfield out of order.

Said motion as made by Mr. Buckman was then agreed to by a majority of the members elected.

Mr. Buckman then moved that a bill of the following title, viz:

H. B. No. 52. AN ACT relating to the election of a County School Superintendent in various counties of Kentucky and repealing so much of Section 16.350 Kentucky Revised Statutes as may be inconsistent herewith.

Be taken from the hands of the Committee on Education No. 2 and advanced to a first reading.

The yeas and nays being required thereon by Mr. Losey and Mr. Wirsch were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	W. M. Horn	Carl J. Ruh
Leonard T. Bean	James W. Lambert	James S. Shaw
John D. Beatty	Jesse H. Lawrence	Gus Sheehan, Jr.
L. E. Bradley	A. L. (Chick) Love	Roy Steers
Thomas L. Britton	John Martin	Egbert V. Taylor
J. D. Buckman, Jr.	Wm. T. Marshall	Rev. T. H. Tinsley
Paul Combs	C. S. Nabb	Harry Lee Waterfield
B. H. Crider	Dr. C. E. Palmore	Lyle H. Webb
Henry C. Hale	Hobart Rayburn	Morris Weintraub
Chester A. Hammons	W. R. Reasor	Geo. F. Williamson
Harold G. Helm		

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Those who voted in the negative were—

Fred Beshear	W. W. Hollan	Roy Searcy
Charles W. Burnley	Silas Jacobs	Jesse H. Shelton
R. Josh Cosby	G. Lee McClain	Forest Smith
G. I. Drury	Jack McPherron	M. G. Thompson
William K. Henry	Walter R. Moorman	—14

Thereupon said motion was disagreed to, having failed to receive the necessary majority.

A message was received from the Senate announcing that they had passed a bill which originated in the Senate of the following title, viz:

S. B. No. 173. AN ACT relating to officers and employes of cities of the second class operating under the commission form of government.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 90.300 of the Kentucky Revised Statutes is amended to read as follows:

(1) In KRS 90.310 to 90.410, unless the context requires otherwise:

(a) "Administrative or directorial position" means the head of a department of municipal government. Provided further, that: in any city of the second class which has heretofore elected to operate under KRS 90.310 to 90.410, and in which any administrative or directorial position has not been included in the class of employes subject to civil service, any person holding such an administrative or directorial position, who is past the age of forty-five years and who has filled such position for a period of not less than one year next prior to December 31, 1945, may, if he elects, continue in said position without taking the competitive examination required by KRS Section 90.320.

(b) "Appointing authority" means the officer, commission, board or body having the power of appointment or removal in any office, department, commission, board or institution.

(c) "Civil service" means the offices and positions of trust or employment in the service of the city not specifically excluded by KRS 90.310 to 90.410 or by ordinance of the city as provided in KRS 90.310.

(d) "Commission" means the board of civil service commissioners as established under KRS 90.310.

(e) "Dismissal" means the discharge of an employe.

(f) "Employe" means any person employed in the conduct of municipal affairs including an administrative or directorial position established for cities of the second or third class, but the term shall not include the mayor or city manager, and in cities of the second class it shall not include the offices of the Board of Health, members of the Planning and Zoning Commission, the Board of Trustees of the Public Library, members of the Housing Commission, Municipal Hospital Commission or the trustees, members or corresponding officers of similar boards or commissions of cities of the second class, persons employed on temporary and special projects or to persons whose regular employments with the city are seasonal and are less than nine months in any one year, and the city clerk or city assessor of a city of the second class operating under the commission form of government.

(g) "Pension fund" means the moneys derived from the employes and the levy of a special tax, either or both, or any other sum derived from any other source, to be used for the retirement of employes after the prescribed years of service and for the benefit of disabled employes, and widows and dependent children in the case of death of an employe within the scope of his employment according to the terms of KRS 90.310 to 90.410 and the ordinance of the city.

(2) The provisions of KRS 90.310 to 90.410 are independent of and do not affect the laws governing the police and fire departments, nor their pension funds, in cities of the second and third classes.

Sec. 2. Subsection (2) of Section 95.010 of the Kentucky Revised Statutes is amended to read as follows:

(2) As used in KRS 95.430 to 95.690 the following words and terms shall have the following meaning, unless the context requires otherwise:

(a) "Dismissal" means the discharge of an employe by the division or department head, civil service board, or other lawful authority.

(b) "Eligible list" means a list of names of persons who have been found qualified through suitable competitive examinations for positions or classes of positions.

(c) "Fire department" means and includes all officers, firemen, and clerical or maintenance employes of the fire department.

(d) "Police department" means and includes all officers, policemen, and clerical or maintenance employes of the police department.

(e) "Member" means any and all officers, firemen, policemen, clerical or maintenance employes in the police or fire department, except that as used in subsections (1) and (3) of KRS 95.440, and KRS 95.450, 95.460, 95.470, 95.550, 95.560, 95.565, 95.570 and 95.580 it shall not include the chief of police in a city of the second class operating under the commission form of government.

(f) "Police force" means and includes all officers and policemen in the police department.

(g) "Policeman" means a member of the police department below the rank of officer, other than a clerical or maintenance employe.

(h) "Fireman" means a member of the fire department below the rank of officer, other than a clerical or maintenance employe.

(i) "Salary" means any compensation received for services.

(j) "Suspension" means the separation of an employe from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure.

(k) "Pension fund" shall mean the monies derived from the members of the police and fire departments' salary or salaries and appropriations by the legislative body, or any other means derived from whatever source by gift or otherwise to be used for the retirement of members of the police and fire departments after the prescribed number of years of service, and for the benefit of disabled members of police and fire departments, and for the benefit of widows and dependent children or dependent fathers or mothers in the case of death of any member of the police or fire department within the scope of his employment.

Ordered that said bill be printed and referred.

Bills and resolutions of the following titles were introduced, viz:

By Mrs. Burnett and Mr. Buckman.

H. B. No. 424. AN ACT relating to public assistance to needy aged, needy blind and needy children.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Definitions*

As used in this Act, unless the context requires otherwise:

(1) "Department" means the Department of Economic Security;

(2) "Commissioner" means the Commissioner of Economic Security or his authorized representative;

(3) "Division" means the Division of Public Assistance in the Department of Economic Security;

(4) "Public assistance" means money grants, assistance in kind or services to or for the benefit of needy aged or needy children or needy blind;

(5) "Needy child" means a child under the age of eighteen (18) who has been deprived of parental support by reason of the death, absence or incapacity of a parent, and who is unable to provide for himself and who does not otherwise have provided for him a subsistence compatible with decency and health;

(6) "Parent", in addition to natural or adoptive parent, shall include step-parent;

(7) "Needy aged" means a person who has attained the age of sixty-five (65) and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health;

(8) "Needy blind" means a person who has no vision or whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential and who is unable to provide for himself and who does not have otherwise provided for him a subsistence compatible with decency and health.

Section 2. *Commissioner, Powers, and Duties*

(1) The Commissioner of Economic Security shall have sole charge of the administration of the Division.

(2) The Commissioner shall have the power and authority to adopt, amend or rescind such rules and regulations as he deems necessary or suitable for the proper administration of the functions of the Division, including qualification for the receipt of federal funds and for cooperation with other state and federal agencies. Such rules and regulations shall become effective in the manner and at the time prescribed by the Commissioner.

(3) In the administration of this Act the Commissioner shall cooperate to the fullest extent possible with any agency of this State or any other state or of the United States.

(4) The Commissioner of Economic Security is authorized, subject to the provisions of KRS Chapters 12, 42, and 45, to

appoint, fix the compensation and prescribe the duties and powers of such officers and employees as may be necessary in the performance of his duties under this Act. All positions shall be filled by persons selected and appointed on a non-partisan merit basis, in accordance with merit standards established by law. The Commissioner shall not employ or pay any person who is an officer or committee member of any political party organization. The Commissioner may delegate to any such person so appointed such power and authority as he deems reasonable and proper for the effective administration of this Act.

(5) The Commissioner shall have the power and authority to elect coverage for the workers in the Division under the provision of KRS Chapter 341, and may elect coverage for such workers under the Workmen's Compensation Law of this State. In the event such coverage is elected the payment of contributions under KRS Chapter 341 and premiums under the Workmen's Compensation Law shall be deemed a proper cost of administration.

(6) If and when the Congress of the United States amends the Federal Social Security Act so as to extend its provisions to include employees, the Commissioner is hereby authorized to take such actions as are necessary to extend the benefits of such act to the employees of the Division. In the event of such extension the contributions required of the Division as the employer shall be deemed to be a proper cost of administration.

(7) The salaries and expenses of the Commissioner and his staff shall be considered a proper cost of administration of this Act, to be charged to the Public Assistance Fund in that proportion which the cost of such services rendered in the administration of this Act bears to the overall cost of the services rendered in the administration of the Department.

Section 3. *Subpoenas, Confidential Nature of Records*

(1) In the discharge of the duties imposed by this Act the Commissioner or his duly authorized representative may administer oaths and affirmations, take depositions, certify official

acts, and issue subpoenas to compel the attendance of witnesses and production of books, papers, correspondence, memoranda and other records considered necessary and relevant as evidence in connection with the administration of the Division. Such subpoena shall be served in the same manner as a subpoena issued out of a circuit court. Witnesses subpoenaed shall be allowed witnesses' fees according to the rates prescribed by KRS 421.010 for each day their attendance is actually required at a hearing.

(2) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda or other records in response to such subpoena on the grounds that the evidence required of him may tend to incriminate him or subject him to a penalty, or forfeiture. No person shall be prosecuted or subjected to any suit, penalty, or forfeiture on account of any transaction, matter, or thing concerning which he or his agent or worker is compelled, after having claimed privilege against self-incrimination, to give evidence except that such witness so testifying shall not be exempt from punishment for perjury.

(3) All letters, reports, communications, and other matters, written or oral, to the Division or any of its agents, representatives, or employes, or to any board or official functioning under this Act, which have been written, sent, or made in connection with the requirements and administration of the Division shall be absolutely privileged and shall not be the subject matter or basis for any suit for slander or libel in any court but no person testifying before the Commissioner or his duly authorized representative, shall be exempt from punishment for perjury. Information obtained shall not be published or be open for public inspection, except to public employees in the performance of their duties, but any interested party at a hearing before the Commissioner or his duly authorized representative shall be supplied with information from such records to the extent necessary for the proper presentation of his case.

Section 4. *Destruction of Records*

The Commissioner may authorize the destruction of such original reports and records as have been properly recorded or

summarized in the permanent records of the Division or are no longer considered necessary to the proper administration of the Department. Such destruction or disposition shall be made only by order of the Commissioner. Any money received from the disposition of such records shall be deposited to the credit of the Public Assistance Fund.

Section 5. *Advisory Councils*

(1) The Commissioner may appoint a State Advisory Council for Public Assistance, and such other special committees as he may from time to time deem necessary. These councils shall aid the Commissioner in formulating policies and discussing problems related to the administration of the Division and in assuring impartiality and freedom from political influence in the solution of such problems. The members of such councils shall serve without compensation, but shall be reimbursed for all necessary expenses.

Section 6. *Eligibility for Public Assistance*

(1) Subject to the other provisions of this section a needy aged person, a needy blind person or a needy child shall be eligible to receive a public assistance grant if:

(a) He has made a proper application or an application has been made on his behalf in the manner and form prescribed by regulation;

(b) He is a resident of this State at the time of receiving aid, and who has been a resident of this State for such period of time prior thereto as is prescribed by regulation; and

(c) He is not, at the time of receiving public assistance, an inmate of any public institution which provides shelter, custody or care and is the responsibility of or administered by a governmental unit, except for temporary medical or surgical care in a hospital;

Provided, that no individual shall be eligible to receive public assistance under this Act under more than one category of public assistance for the same period of time.

(2) The Commissioner may by regulation prescribe as a condition of eligibility that a needy child regularly attend school, and may further by regulation prescribe the degree of relationship of the person or persons in whose home such needy child must reside.

(3) No child born out of wedlock after the effective date of this Act shall be eligible under this Act as a needy child until after there has been a bastardy proceeding involving the child, provided, that the requirement of this subsection may be waived as prescribed by regulation if a bastardy proceeding cannot be had or would be futile.

(4) As a further condition of eligibility for aid to needy children regulations may prescribe what action if any, shall be taken to enforce support by a parent who has abandoned such a child.

Section 7. *Amount of Aid*

(1) The amount of public assistance to be granted shall be determined with due regard to the needs and resources of the individual and family as prescribed by regulations, provided, that if available funds during a budgetary period are insufficient to meet the full needs of the recipients in all or any of the categories of public assistance the funds available shall be reasonably prorated to recipients in such categories according to pending and anticipated applications during such budgetary period.

(2) Notwithstanding any other provisions of law to the contrary, resources in any given case shall be deemed to include among other things:

(a) Such income as may be available to parents from persons liable for their support under KRS 405.080; and

(b) The total value of the joint and separate property and income of any old age applicant and spouse if living together.

(3) The value of any property voluntarily transferred by any applicant or recipient for the purpose of establishing his eligibility for public assistance shall be deemed a resource of such applicant or recipient under this section.

Section 8. *Payments*

(1) Payments of public assistance grants for eligible individuals shall be made at the time and in the manner prescribed by regulation to:

(a) The needy aged or needy blind applicant or recipient; or

(b) The parent or relative with whom a needy child lives; or

(c) The parent or legal guardian of a blind minor; or

(d) The legal guardian of (a) or (b) above; or

(e) Such other persons on behalf of an eligible person as may be prescribed by regulation.

(2) Any person who is receiving and disbursing public assistance grants on behalf of another individual eligible under this Act shall upon request make an accounting of such funds to the Division in accordance with regulations. If a public assistance grant made on behalf of a needy individual is not used for the benefit of such individual such payment shall be suspended pending reasonable assurance that future grants will benefit the individual on whose behalf such payments are made.

(3) Public assistance shall not be assignable and shall be exempt from levy or execution.

Section 9. *Appeals*

(1) The Commissioner is authorized to appoint an appeal board for public assistance composed of the Commissioner and two other members. The Commissioner shall be chairman and he and one other member will constitute a quorum.

(2) Any applicant or recipient who is dissatisfied with the decision on his application or because of delayed action on his application for public assistance or because of the amount granted to him may appeal to the appeal board in the manner and form prescribed by regulations. On receipt of such an appeal the

applicant or recipient shall be given reasonable notice and opportunity for a fair hearing. The applicant or recipient shall be promptly notified of the decision together with the reasons therefor.

(3) Within twenty (20) days after such decision, any party aggrieved thereby, may secure judicial review thereof by filing a petition for review against the Commissioner in the Franklin Circuit Court. The petition shall state fully the grounds upon which review is sought, assign all errors relied on, and shall be verified by the petitioner.

(4) With his answer, the Commissioner shall certify and file with the court all documents and papers, and a transcript of all testimony taken in the matter, and orders made therein, together with the findings of fact and decision therein. If consented to by the petioner, an abstract of any portion of the record may be certified by the Commissioner in lieu of certifying such portion of the record in full.

Section 10. *Funds and Accounts*

(1) There shall be in the State Treasury a special fund to be known as the Public Assistance Fund which shall be administered separate and apart from all public money or funds of this State. The Fund shall consist of all money appropriated by this State, all money received from the United States or any agency thereof and all money received from any other source for the public assistance functions administered by the Division. All money deposited or paid into this fund is hereby appropriated and shall be available to the Commissioner for expenditure consistent with the provisions of this Act and KRS Chapter 195.

(2) The State Treasurer shall maintain within the fund three separate accounts:

(a) An administrative account to which shall be deposited all money appropriated by this State, for the administration of the public assistance functions of the Division;

(b) An assistance account to which shall be deposited all money appropriated by this State, and all money received from

the United States or any agency thereof for the purpose of paying public assistance grants; and

(c) A miscellaneous account to which shall be deposited all money received from the United States or any agency thereof, or from any other source, for the administration of the Act and for the payment of public assistance.

(3) All money in the assistance account and miscellaneous account shall be continuously appropriated and available to the Commissioner without respect to fiscal years. A general statement that all continuing appropriations are repealed shall not be construed as repealing this subsection.

(4) The Commissioner is authorized to direct the transfer of all or any part of such money in the miscellaneous account to either of the other two accounts for expenditure consistent with the provisions of subsection (2) (a) and (b) of this section, or such money in the administrative account as is not required for administrative purposes, to the assistance account for the payment of public assistance grants.

(5) Prior to July 1 of each fiscal year the Commissioner shall allocate the money in the Public Assistance Fund to the three categories of public assistance provided for in this Act; namely, needy children, needy aged and needy blind in proportion to the estimated number of applicants and recipients in each category for the following fiscal year, provided that the Commissioner may, in the second fiscal year of any legislative biennium, reallocate said funds based on the number of recipients during any such biennium and the anticipated applicants during the balance of the biennium.

Section 11. *Penalties*

(1) Any person who violates any of the provisions of Section 3 of this Act shall be fined not less than $50 nor more than $200 or imprisoned for not more than six (6) months or both.

(2) Any person who makes any false statement knowing it to be false or knowingly withholds information for the purpose of procuring benefits or who willfully violates any other of the

provisions of this Act or any rule or regulation under it, the violation of which is made unlawful under the terms of this Act, shall be guilty of a misdemeanor and shall be fined not less than $10 nor more than $50 or imprisoned for not more than thirty (30) days or both. Each false statement shall constitute a separate offense.

Section 12. *Reimbursement*

(1) The State shall have a claim against the estate of a deceased recipient for reimbursement of payments to needy aged prior and superior to all other claims except taxes, the cost of the last illness, the first $300 of burial expenses and the costs of administration.

(2) Before public assistance shall be paid to a needy aged person, he shall execute an assignment of all his real property at death as security for repayment to the State of the claim provided for in subsection (1), which assignment shall constitute a lien against the recipient's real property then owned or thereafter acquired.

An acknowledged copy of the assignment shall be recorded in the office of the County Court Clerk of the county where the property or some portion thereof is located, which assignment the clerk shall record in the miscellaneous real estate lien book in his office and which shall constitute notice of the State's lien. The clerk shall be entitled to a fee of $1.00 for filing the lien and said fee shall become a part of the lien as an added cost to be paid as a part of the amount necessary to release the lien.

(3) The State's claim under this section shall not be enforced against real estate so long as it is occupied as a homestead by the recipient's unmarried surviving spouse or infant or dependent children.

(4) No action shall be commenced to enforce the State's claim under this section after five (5) years from the time any cause of action arises.

(5) Upon repayment to the State of its claims provided for in subsection (1) hereof and the payment of the filing fee, the Department shall cause a release of the lien provided for in sub-

section (2) to be filed with the clerk who shall note such filing on the margin of the record of the lien, or upon the filing with the clerk, subsequent to the death of a recipient, of a statement approved by the Department, that there were no assets in such recipient's estate liable for the State's claim or that all such assets had been paid to the State and upon payment of the filing fee, the clerk shall note on the margin of the lien provided for in subsection (2), a release of same.

Section 13. *Repealers*

(1) Sections 45.235, 196.050, 200.020 to 200.070, 205.010 to 205.080, 207.010 and 207.060 to 207.120 and subsection two (2) of Section 200.010 of the Kentucky Revised Statutes are hereby repealed. Any other provision of law in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

(2) Recipients of aid to dependent children, old age assistance, and aid to the needy blind under former laws repealed hereby shall, so long as they remain eligible under this Act, be continued as recipients of public assistance.

By Mr. Beshear.

H. B. No. 425. AN ACT relating to members of the city council in cities of the fourth class, amending Section 86.050 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 86.050 of the Kentucky Revised Statutes is amended to read as follows:

(1) Members of the city council shall be elected for terms of two years, and shall take office on the first Monday in December after their election.

(2) Each member of the council shall be a qualified voter in the city, shall own real property within the city, and shall have been for at least six months prior to his election a resident of the ward for which he stands, if the city is divided into wards. No member of the council shall be interested in any contract with the city, or be in arrears to the city for money collected or withheld without a settlement or quietus therefor. The absence of any of the qualifications, or the existence of any of the disqualifications, provided for in this subsection shall render a person ineligible to be a member of the council, and the council shall so declare, and shall fill the vacancy.

(3) The city council may, by ordinance, allow each member of the next council not more than five dollars for each meeting of the council he attends.

By Mr. Head.

H. B. No. 426. AN ACT relating to the State Board of Health, amending Section 211.040 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 211.040 of the Kentucky Revised Statutes is amended to read as follows:

There shall be a State Board of Health, consisting of nine members, each of whom must be licensed in this state to practice the profession required of him by this section as a qualification for membership. The board shall be a continuation of the board appointed under Chapter 120 of the Acts of 1920. Eight of the members shall be appointed by the Governor, by and with the advice of the Senate. The Commissioner of Health shall constitute the ninth member. One member of the board shall be a registered pharmacist, and shall be appointed from a list of three names submitted by the Kentucky Pharmaceutical Association. Of the other members one shall be a homeopathic,

one an eclectic, and one an osteopathic physician, and the others shall be regular allopathic physicians, all to be appointed from a list of three names for each position furnished respectively by the state society or association of such schools or systems of practice as are entitled to the member. If the board elects one of its members as Commissioner of Health, the Governor shall appoint another member to complete the full number of the board. No member of the board, except the Commissioner of Health, shall be a stockholder or member of the faculty or board of trustees of any medical college.

By Mr. Polsgrove.

H. B. No. 427. AN ACT relating to prosecuting attorney protem in cities of the first class; vacation for prosecuting attorney.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 69.440 of the Kentucky Revised Statutes is hereby repealed and re-enacted and as so re-enacted shall read:

The prosecuting attorney may appoint a protem prosecuting attorney to serve whenever the prosecuting attorney or assistant prosecuting attorney is unable to serve or whenever it is deemed necessary to expedite the business of the Court. If the prosecuting attorney fails to appoint a protem prosecuting attorney the judge shall appoint one to serve as protem prosecuting attorney.

The person so appointed shall take the oath of office prescribed for the regular prosecuting attorney, and for his services the protem prosecuting attorney shall receive such salary as the prosecuting attorney may summarily decide to be fair and reasonable; but the compensation allowed the protem prosecuting attorney shall not be estimated at a greater rate than that allowed the regular prosecuting attorney.

The prosecuting attorney may have sixty (60) days vacation each calendar year and no deduction shall be made from his salary for said vacation.

By Mr. Hammons.

H. B. No. 428. AN ACT amending the law relating to holidays, so as to include as a holiday Daniel Boone's Day (third Friday in October).

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 2.110 of the Kentucky Revised Statutes is amended to read as follows:

(1) The 1st day of January (New Year's Day), the 19th day of January (Robert E. Lee Day), the 30th day of January (Franklin D. Roosevelt Day), the 12th day of February (Lincoln's Birthday), the 22nd day of February (Washington's Birthday), the 30th day of May (Memorial Day), the 3rd day of June (Confederate Memorial Day), the 4th day of July (Independence Day), the first Monday in September (Labor Day), the 12th day of October (Columbus Day), the third Friday in October (Daniel Boone's Day), the 11th day of November (Armistice Day), the 25th day of December (Christmas Day) of each year, and all days appointed by the President of the United States or by the Governor as days of thanksgiving, are holidays, on which all the public offices of this Commonwealth may be closed; and shall be considered as Sunday for all purposes regarding the presenting for payment or acceptance, and of protesting for and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, placed by law upon the footing of bills of exchange. If any of the days named as holidays occur on Sunday, the next day thereafter shall be observed as a holiday but bills of exchange or other papers may be presented for payment or acceptance on the Saturday preceding the holiday and proceeded on accordingly.

(2) No person shall be compelled to labor on the first Monday in September (Labor Day) by any person.

By Mr. Hollan.

H. B. No. 429. AN ACT relating to holidays for state employees.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All employes in all departments and agencies of the state government shall observe the same number of holidays. If the services of an employe are needed on a holiday and the employe freely volunteers to work on that day he shall be allowed a comparable period of time off within three months thereafter. Any officer, department head or other person acting in a supervisory position who, by threats or other similar means, coerces any employe to work on a holiday or who refuses to allow an employe a comparable period of time off in violation of this section shall be fined not less than twenty nor more than fifty dollars.

By Mr. Hayes.

H. B. No. 430. AN ACT to repeal, amend and reenact Section 336.130; and to repeal, amend and reenact Section 336.150; both being Sections of the Kentucky Revised Statutes relating to the Department of Industrial Relations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 336.130 of the Kentucky Revised Statutes be repealed, amended and reenacted so that the same shall read as follows:

(1) "Employes may, free from restraint or coercion by the employers or their agents, associate collectively for self-organization; form, join or assist labor organizations, and designate or select representatives for the purpose of collective bargaining by the majority of the employes in a unit appropriate for such purposes. Such designated or selected representatives

shall be the exclusive representatives of all the employes in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment or other conditions of employment. Ten (10) per centum of the employes of an employer may, by written petition filed with the Commissioner in accordance with regulations as may be prescribed by the Commissioner, request an election for the purpose of selecting a collective bargaining agent. The Commissioner shall, within thirty (30) days after receiving such request, direct an election by secret ballot and shall certify the labor organization receiving a majority vote of the employes as the collective bargaining agent for all the employes; said certification shall be made, within thirty (30) days after said election, to the employes and to the employer. The election shall be held in accordance with such regulations as may be prescribed by the Commissioner. No election shall be conducted pursuant to this subsection within twelve months after a valid election shall have been held. Employes, collectively and individually, may strike, engage in peaceful picketing, and assemble collectively for peaceful purposes.

(2) Neither employers or their agents nor employes or associations, organizations or groups of employes shall engage or be permitted to engage in unfair or illegal acts or practices or resort to violence, intimidation, threats or coercion.

Sec. 2. That Section 336.150 of the Kentucky Revised Statutes be repealed, amended and reenacted so that the same shall read as follows:

(1) The commissioner may act as conciliator and mediator and appoint conciliators and mediators in labor disputes whenever his intervention is requested by either party. He may also offer his services as conciliator and mediator if any emergency by reason of a labor dispute is found to exist at any time. The commissioner, in the course of such conciliation and mediation, may hold hearings to determine the reason for the labor dispute and receive testimony of witnesses under oath. Any findings of fact made by him in connection with the hearing shall be reduced to writing and made a public record of his department. The commissioner shall take any steps he con-

siders proper to effect a voluntary, amicable settlement of differences between employer and his employes.

(2) In any labor dispute in which the services of the commissioner as conciliator and mediator have been requested by either party, no strike or lockout shall take place pending the efforts of the commissioner or his authorized representatives to conciliate and mediate the dispute. When the services of the commissioner as conciliator and mediator are requested by either party to a labor dispute, he shall promptly investigate and undertake to conciliate and mediate it without delay. No agreement accepting the service of the commissioner shall be binding on either party for longer than fifteen days, but the term may be extended by mutual consent of the parties to the agreement.

(3) Nothing in this section shall apply where a joint wage agreement provides for settlement of disputes. Any dispute arising under such agreement shall be settled according to it. Nothing in KRS 336.130, 336.150 or 399.200 shall apply where the authority of a Federal agency has been invoked or a Federal agency assumes jurisdiction. If the commissioner has assumed jurisdiction and a Federal agency thereafter assumes jurisdiction, the authority of the commissioner shall cease pending Federal Jurisdiction.

By Mr. Bernam Adams.

H. Res. No. 59. A JOINT RESOLUTION authorizing John Hatton, statutory guardian and father of John P. Hatton, an infant over fourteen years of age, to sue the Commonwealth of Kentucky and the Department of Highways, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That John Hatton, statutory guardian and father of John P. Hatton, an infant over fourteen years of age, is authorized hereby to sue the Commonwealth of Kentucky and the Department of Highways, either or both, in the Clarke Circuit Court, for dam-

ages resulting from personal injury to John P. Hatton caused by alleged negligence on the part of employes of the Commonwealth while said employes were in the line of duty as employes of the Department of Highways.

Said suit shall be for a sum not in excess of $10,500.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky. No plea of limitations shall be interposed.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Hollan.

H. Res. No. 60. A RESOLUTION authorizing John Thorpe to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That John Thorpe is herein authorized to sue the Commonwealth of Kentucky and Department of Highways;

WHEREAS John Thorpe, a citizen and resident of Breathitt County, Kentucky, was seriously and permanently injured by and through the negligence and carelessness of the Commonwealth of Kentucky and Department of Highways, and that

the said negligence consisted in part of the negligence of the said Department of Highways in construction work, repairing and overseeing a part of the public road then under the care of the Highway Department in leaving obstructions over and across the highway, and that the said John Thorpe while in a truck and going along said highway was struck by said obstructions and seriously and permanently injured, and that his injuries were the direct or proximate result of the negligence and carelessness of the Commonwealth of Kentucky and Department of Highways then and there negligently and carelessly leaving said obstruction over said highway in such a place and manner as to endanger the public in passing along said highway.

The said suit shall be for an amount not exceeding $10,000.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky and the Department of Highways, or either of them, and settle said claim before or after suit is filed if he deems it advisable. Any amount recovered in said suit or by said settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasury.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or the jury as an admission of negligence upon the part of the Commonwealth of Kentucky and the Department of Highways, or either of them, and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

By Mr. Deering.

H. Res. No. 61. A JOINT RESOLUTION authorizing William Mudd to sue the Commonwealth of Kentucky and the Division of Game and Fish, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

William Mudd is hereby authorized to sue the Commonwealth of Kentucky and the Division of Game and Fish, or either, in the Casey Circuit Court, for personal injuries sustained from a gunshot wound wrongfully inflicted by an employe of the Commonwealth of Kentucky and the Division of Game and Fish while such employe was acting within the scope of his employment.

Said suit shall be for a sum not in excess of $5,000.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit, or by settlement with the Attorney General shall be paid out of the Game and Fish Fund, upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky. No plea of limitations shall be interposed.

No statement in this Resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth, and this Resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bills and said resolutions be printed and referred.

Mr. Runyan of the Committee on Education No. 1, to which the same had previously been referred, reported bills of the following titles, viz:

H. B. No. 357. AN ACT relating to teachers' retirement.

H. B. No. 388. AN ACT relating to school teachers.
the practice of public accounting; amending Sections 325.350

With the expression of opinion that same should not pass.

No motion having been made to advance said bills to a first reading, the report of the Committee to the contrary notwithstanding, and no further action having been taken on said bill, it was ordered that said bills be not read at length the first time and

So said bills were rejected.

The Committees to which the same had previously been referred reported bills of the following titles, viz:

By Mr. Paul S. Jones of the Committee on Labor.

H. B. No. 342. AN ACT to repeal, amend and re-enact Sections 342.070, 342.095, 342.100, 342.110, Kentucky Revised Statutes, relating to Workmen's Compensation.

By Mr. Mackey of the Committee on Cities of Fifth Class.

H. B. No. 379. AN ACT changing the classification of the of Lebanon Junction, in Bullitt County.

By Mr. Hanratty of the Committee on Kentucky Statutes No. 1.

H. B. No. 375. AN ACT relating to the speed of vehicles and providing penalties.

S. B. No. 89. AN ACT relating to permits to engage in the practice of public accounting; amending Sections 325.330 and 325.340 of the Kentucky Revised Statutes.

H. B. No. 371. AN ACT relating to timberland assessments.

H. B. No. 370. AN ACT relating to revenue and taxation.

H. B. No. 376. AN ACT relating to condemnation of property and interests in property for flood control, flood protection or drainage purposes.

H. B. No. 369. AN ACT amending Section 149.300 of the Kentucky Revised Statutes, relating to setting of fires near woodland areas, or brushland areas.

H. B. No. 383. AN ACT relating to payment of money to persons under a disability, amending Section 387.280 of the Kentucky Revised Statutes.

S. B. No. 51. AN ACT imposing a penalty for removing or altering serial numbers on farm equipment or machinery amending Section 433.640 of the Kentucky Revised Statutes.

H. B. No. 372. AN ACT relating to the jurisdiction of officers of the Department of Kentucky State Police.

H. B. No. 374. AN ACT regulating vehicles when overtaking or meeting a stopped school bus.

H. B. No. 373. AN ACT relating to impersonation of an officer, agent or employe of the Department of Kentucky State Police and providing a penalty therefor.

H. B. No. 398. AN ACT relating to and providing for the payment of Prior Year Claims against the State.

H. B. No. 366. AN ACT relating to Petty Cash Funds of State Budget Units.

H. B. No. 365. AN ACT relating to the examination of persons who are, or are alleged to be, insane or feebleminded.

H. B. No. 367. AN ACT relating to powers of attorney repealing, amending and re-enacting Section 382.370, Kentucky Revised Statutes, and fixing a penalty for the violation thereof.

H. B. No. 368. AN ACT relating to city streets, viaducts and bridges, that constitute the route of connection between or extension of state roads in the state highway system, and providing for the construction and maintenance of the same by the Commonwealth, and for the regulation of traffic thereon, and for

penalties for violation of such regulations, and amending KRS 177.043 and KRS 177.046.

H. B. No. 382. AN ACT relating to warrants drawn on the State Treasurer.

H. B. No. 348. AN ACT relating to newspaper advertising required by law, amending Section 424.030 of the Kentucky Revised Statutes.

By Mr. Bronston of the Committee on Motor Transportation No. 1.

H. B. No. 350. AN ACT relating to carriers of passengers for hire by motor vehicle.

By Mr. McPherron of the Committee on Public Drains and Ditches.

S. B. No. 118. AN ACT relating to drainage commissioners, boards, districts, and divisions.

By Mr. Runyan of the Committee on Education No. 1.

H. B. No. 389. AN ACT relating to the training and certification of public school personnel.

By Mr. Holbrook of the Committee on Soil Conservation and Erosion.

H. B. No. 412. AN ACT amending Sections 262.030, 262.040, 262.070, 262.090, 262.095, 262.150, 262.200, 262,220 and 262.240 of the Kentucky Revised Statutes, relating to the State Soil Conservation Committee and Soil Conservation Districts, and declaring an emergency to exist.

By Mr. Spaulding of the Committee on Cities of 2nd Class.

H. B. No. 396. AN ACT relating to the annexation or reduction of unincorporated territory by cities of the second class and repealing section 81.140, the Kentucky Revised Statutes.

S. B. No. 39. AN ACT relating to the meetings of boards of commissioners in cities operated under the City Manager form of government, amending Section 89.550 of the Kentucky Revised Statutes.

S. B. No. 38. AN ACT to levy upon and sale of real property for taxes in cities of the second class, amending Section 92.670 of the Kentucky Revised Statutes.

With the expression of opinion that same should pass.

Whereupon, said bills were read at length for the first time and

Ordered placed in the Calendar.

Mr. Hubbard of the Committee on Conference heretofore appointed by the Speaker to confer with a like Committee on the part of the Senate for the purpose of settling the differences between the two Houses concerning a bill of the following title, viz:

S. B. No. 7. AN ACT changing the classification of the City of Greensburg in Green County, and declaring an emergency.

Offered the following report, viz:

Report of Conference Committee between the three members of the House and the three members of the Senate on Senate Bill No. 7. The Committee recommends that the House recede from its amendment to Senate Bill No. 7 and let Senate Bill No. 7 be passed, and that House Bill No. 90 and House Bill No. 109 be taken from the Clerk's Desk and read for the third time and immediately placed upon their passage.

s/ Robert N. Hubbard
Chairman

Mr. Hubbard then moved that the House do now recede from an amendment to said bill by way of substitute therefor as previously proposed and adopted by the House.

Said motion was agreed to.

Said bill was then passed,

The yeas and nays being taken thereon in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	John A. Head	James H. Polsgrove
Bill Adams	Harold G. Helm	Leonard W. Preston
Edgar Arnett	E. R. Hilton	Hobart Rayburn
Sidney Baer	Ray Holbrook	W. R. Reasor
C. J. Barnum	Woodrow W. Hollan	Amos Runyan
C. E. Baumgardner	Chester J. Holsclaw	Dr. Roy Sanders
Leonard T. Bean	W. M. Horn	LeRoy Saylor
Fred Beshear	Richard R. Houpt	Roy Searcy
L. E. Bradley	Durham W. Howard	Paul E. Shannon
Edward O. Bridgers	Robert N. Hubbard	Gus Sheehan, Jr.
Thomas L. Britton	Silas Jacobs	Jesse H. Shelton
Charles J. Bronston	William Jones	Forest Smith
J. D. Buckman, Jr.	Jesse H. Lawrence	Joseph T. Snapp
Charles W. Burnley	Mrs. J. T. Linton	John M. Spaulding
Alex Calvert	A. L. (Chick) Love	Roy Steers
Paul Combs	Harry K. Lowman	Mrs. Thelma Stovall
R. Josh Cosby	True Mackey	W. R. Stringer
Owen Deering	Damon Majors	M. G. Thompson
G. I. Drury	John Martin	Rev. T. H. Tinsley
Thomas R. Duncan	William T. Marshall	Fred M. Warns
R. C. Estepp, Sr.	Emmett G. Moore	Harry Lee Waterfield
Mitchell S. Fannin	Walter R. Moorman	Lyle H. Webb
C. A. Hammons	Fred H. Morgan	Morris Weintraub
James P. Hanratty	C. S. Nabb	G. F. Williamson
George F. Harris	Dr. C. E. Palmore	Charles W. Wirsch
Paul E. Hayes		

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There voted in the negative—

John D. Beatty —1

Mr. Hubbard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Ordered that the Chief Clerk report the action of the House to the Senate.

Mr. Hubbard moved that the rules be suspended and the

House take up for immediate consideration from the Clerk's desk a bill of the following title, viz:

H. B. No. 90. AN ACT changing the classification of the City of Jamestown, in Russell County, and declaring an emergency.

Said motion was agreed to by a majority of the members elected.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Jamestown, in Russell County, is such as to justify its being assigned to the fifth class of cities;

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The City of Jamestown, in Russell County, is transferred from the sixth class to the fifth class of cities.

Sec. 2. Whereas, the reclassification of the City of Jamestown is necessary in order to enable the city to qualify for and receive Federal aid for hospital construction, and to enable the city to finance needed improvements of its streets and sewers, all of which are essential to the public health and welfare of the state, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Ordered that said bill be read at length the third time.

Mr. Hubbard moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	E. R. Hilton	Fred H. Morgan
Bill Adams	Ray Holbrook	C. S. Nabb
Edgar Arnett	Woodrow W. Hollan	James H. Polsgrove
Sidney Baer	Chester J. Holsclaw	Leonard W. Preston
Clarence J. Barnum	W. M. Horn	W. R. Reasor
C. E. Baumgardner	Richard R. Houpt	Amos Runyan
Leonard T. Bean	Robert N. Hubbard	Dr. Roy Sanders
Fred Beshear	Silas Jacobs	LeRoy Saylor
Edward O. Bridgers	Barkley Jones	Roy Searcy
J. D. Buckman, Jr.	William Jones	Gus Sheehan, Jr.
Charles W. Burnley	James W. Lambert	Jesse H. Shelton
Alex Calvert	Jesse H. Lawrence	Forest Smith
Paul Combs	Mrs. J. T. Linton	Joseph T. Snapp
R. Josh Cosby	Homer E. Losey	John M. Spaulding
Owen Deering	A. L. (Chick) Love	Roy Steers
G. I. Drury	Harry K. Lowman	Mrs. Thelma Stovall
R. C. Estepp, Sr.	True Mackey	W. R. Stringer
Mitchell S. Fannin	Damon Majors	M. G. Thompson
C. A. Hammons	John Martin	Rev. T. H. Tinsley
James P. Hanratty	William T. Marshall	Fred M. Warns
George F. Harris	G. Lee McClain	Harry Lee Waterfield
John A. Head	Emmett G. Moore	Lyle H. Webb
Harold G. Helm	Walter R. Moorman	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Hubbard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Hubbard moved that the rules be suspended and the House take up for immediate consideration from the Clerk's desk a bill of the following title, viz:

H. B. No. 109. AN ACT changing the classification of the City of Munfordville, in Hart County.

Said motion was agreed to by a majority of the members elected.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Munfordville, in Hart County, is such as to justify its being assigned to the fifth class of cities.

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The City of Munfordville, in Hart County, is transferred from the sixth to the fifth class of cities.

Ordered that said bill be read at length the third time.

Mr. Hubbard moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Edward O. Bridgers	C. A. Hammons
Bill Adams	Charles W. Burnley	George F. Harris
Edgar Arnett	Alex Calvert	Paul E. Hayes
Sidney Baer	Paul Combs	John A. Head
Clarence J. Barnum	R. Josh Cosby	Harold G. Helm
C. E. Baumgardner	G. I. Drury	E. R. Hilton
Leonard T. Bean	Thomas R. Duncan	Ray Holbrook
Fred Beshear	Mitchell S. Fannin	Woodrow W. Hollan
L. E. Bradley	Henry C. Hale	W. M. Horn

Richard R. Houpt	Archie R. Moore	Jesse H. Shelton
Robert N. Hubbard	Emmett G. Moore	Forest Smith
Silas Jacobs	Walter R. Moorman	Joseph T. Snapp
William Jones	Fred H. Morgan	John M. Spaulding
James W. Lambert	C. S. Nabb	Roy Steers
Jesse H. Lawrence	Dr. C. E. Palmore	Mrs. Thelma Stovall
Mrs. J. T. Linton	James H. Polsgrove	W. R. Stringer
Homer E. Losey	Leonard W. Preston	M. G. Thompson
A. L. (Chick) Love	Hobart Rayburn	Rev. T. H. Tinsley
Harry K. Lowman	W. R. Reasor	Ralph N. Walter
True Mackey	Carl J. Ruh	Fred M. Warns
Damon Majors	Amos Runyan	Harry Lee Waterfield
John Martin	LeRoy Saylor	Lyle H. Webb
William T. Marshall	Roy Searcy	G. F. Williamson
G. Lee McClain	Gus Sheehan, Jr.	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Hubbard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

The Speaker announced the personnel of the Committee on Rules as follows, viz:

Sidney Baer	Chester J. Holsclaw	Walter R. Moorman
C. E. Baumgardner	W. M. Horn	Fred H. Morgan
Fred Beshear	Durham W. Howard	C. S. Nabb
Mrs. M. E. Burnett	Robert N. Hubbard	Hobart Rayburn
Charles W. Burnley	Paul S. Jonas	Amos Runyan
Alex Calvert	William Jones	Paul E. Shannon
Paul Combs	James W. Lambert	Jesse H. Shelton
Adron Doran	Mrs. J. T. Linton	Forest Smith
G. I. Drury	Harry K. Lowman	T. Herbert Tinsley
James P. Hanratty	G. Lee McClain	Fred M. Warns
E. R. Hilton		

Mr. Hanratty moved that the House do now adjourn to meet again at 1 o'clock, p.m., Wednesday, March 1, 1950.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, MARCH 1, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by the Reverend O. Leland Gilmore, pastor of the First Presbyterian Church, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams
Bill Adams
Edgar Arnett
Sidney Baer
Walter J. Bailey
Clarence J. Barnum
C. E. Baumgardner
Leonard T. Bean
John D. Beatty
Fred Beshear
R. O. Blevins
L. E. Bradley
Edward O. Bridgers
Thomas L. Britton
Charles J. Bronston
J. D. Buckman, Jr.
Charles W. Burnley
Alex Calvert
Stanley Carter
Paul Combs
R. Josh Cosby
B. H. Crider
Owen Deering
G. I. Drury
Thomas R. Duncan
R. C. Estepp, Sr.
Mitchell S. Fannin
Henry C. Hale
C. A. Hammons
James P. Hanratty
George F. Harris
Paul E. Hayes
John A. Head
Harold G. Helm
William K. Henry
E. R. Hilton
Ray Holbrook
Woodrow W. Hollan
Chester J. Holsclaw
W. M. Horn
Richard R. Houpt
Durham W. Howard
Maurice G. Howard
Robert N. Hubbard
Silas Jacobs
Paul S. Jonas
Barkley Jones
William Jones
James W. Lambert
Jesse H. Lawrence
Mrs. J. T. Linton
Homer E. Losey
A. L. (Chick) Love
Harry K. Lowman
True Mackey
Damon Majors
John Martin
William T. Marshall
G. Lee McClain
Jack McPherron
Alton Mitchell
Archie R. Moore
Emmett G. Moore
Walter R. Moorman
Fred H. Morgan
C. S. Nabb
Dr. C. E. Palmore
James H. Polsgrove
Leonard W. Preston
Hobart Rayburn
W. R. Reasor
Carl J. Ruh
Amos Runyan
Dr. Roy Sanders
LeRoy Saylor
Roy Searcy
Paul E. Shannon
James S. Shaw
Gus Sheehan, Jr.
Jesse H. Shelton
Forest Smith
Joseph T. Snapp
John M. Spaulding
J. Claude Stacy
Roy Steers
Raymond D. Stigall
Mrs. Thelma Stovall
W. R. Stringer
Egbert V. Taylor
M. G. Thompson
Rev. T. H. Tinsley
Ralph N. Walter
Fred M. Warns
Harry Lee Waterfield
Lyle H. Webb
Morris Weintraub
Geo. F. Williamson
Charles W. Wirsch
Adron Doran,
Speaker

Mr. Baer moved that leave of absence be granted to Mrs. Burnett.

Said motion was agreed to.

Mr. Harris moved that the reading of the Journal of the proceedings of Tuesday, February 28, 1950, be dispensed with, and the same be approved.

Said motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz:

S. B. No. 31. AN ACT relating to school building funds, with particular reference to taxes for building fund purposes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) (a) Upon request of the board of education of any school district, the tax levying authority of the district shall adopt an ordinance or resolution submitting to the qualified voters of the district, the question as to whether a special school building tax rate of not less than five cents nor more than fifty cents as requested by the board shall be levied on each one hundred dollars of property subject to local taxation. This tax levy shall be in addition to the maximum school tax levy provided by KRS 160.475. The income from the tax shall be used for the purchase or lease of school sites and buildings, for the erection and complete equipping of new school buildings, for the major alteration, enlargement and complete equipping of existing buildings, for the purpose of retiring, directly or through rental payments, school revenue bonds issued for such school building improvements, and for the purpose of financing any program for the acquisition, improvement, or building of schools. The question shall be so framed that the voter may by his vote answer "For" or "Against."

(b) In independent districts embracing cities of the first four classes the election shall be held at the next general election held not less than thirty days after the adoption of the ordinance or resolution. In other districts the election shall be held at a time fixed in the ordinance or resolution, not less than fifteen nor more than thirty days from the time the request of the board is filed with the tax levying authority, and reasonable notice of the election shall be given. The election shall be conducted and carried out in the school district in all respects as required by the general election laws, and shall be held by the same officers as required by the general election laws. The expense of the election shall be borne by the fiscal court except where the election is held in a district embracing a city of the first five classes, in which case the cost of the election shall be borne by the governing body of the city.

(c) If a majority of those voting on the question favor the special school building tax levy, the tax levying authority shall when the next tax rate for the district is fixed levy the special rate specified by the board of education of the school district for the school building fund in addition to the levy provided by KRS 160.475.

(2) There may be included, in the maximum levy provided for in KRS 160.475, a special levy for building fund purposes as authorized by KRS 160.476, which shall be in addition to the levy authorized by vote as provided in subsection (1) of this section.

(3) In addition to or in lieu of this special tax, any board of education may pay into this special fund at the close of any fiscal year the proceeds from the sale of land or property no longer needed for school purposes and allow any balances remaining in the general fund over and above the amount necessary for discharging obligations for the fiscal year in full.

(4) The special fund provided for in subsection (1) of this section shall be kept in a separate account designated as "Special Voted School Building Fund." The fund shall be kept in the depository selected by the board of education, or invested in bonds of the United States, of this state, or of any county or municipal-

ity in this state, provided however, that such investment shall be approved by the State Board of Education.

(5) All expenditures from such fund shall be made solely for the purposes enumerated in this section and shall be made in accordance with the school laws of the state at such times as the board of education determines. The board of education shall cause to be made annually an audit of the building fund by a certified public accountant or by an accountant approved by the State Department of Education.

S. B. No. 124. AN ACT relating to cities of the third class and amending subsection (6) of Section 92.150, Kentucky Revised Statutes, 1948 Edition.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (6) of Section 92.150 of the Kentucky Revised Statutes is amended to read as follows:

(6) The common council may by ordinance consolidate the offices of collector and treasurer into one office under the name of "city collector-treasurer" or it may by ordinance consolidate the offices of collector and city clerk into one office under the name of "city clerk and tax collector."

Whereas the common council of cities of the third class are by law required to elect a tax collector at the first regular meeting in April, an emergency is hereby declared to exist for the immediate taking effect of this act, the same shall be in full force and effect from and after its passage and approval by the Governor of the Commonwealth.

S. B. No. 132. AN ACT relating to the filing of Motion and Grounds for new Trial.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 342 of the Civil Code of Practice is amended to read as follows:

The application for a New Trial must be made at the term in which the verdict or decision is rendered, except as provided in Section 344 of the Civil Code.

S. B. No. 139. AN ACT relating to the penalty for common law offenses.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person convicted of a common law offense the penalty for which is not otherwise provided by statute shall be imprisoned in the county jail for a term not exceeding twelve months or fined a sum not exceeding five thousand dollars or both.

S. B. No. 143. AN ACT relating to compensation and expenses of members of the Kentucky Board of Pharmacy and Secretary-Treasurer, amending Section 315.170 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 315.170 of the Kentucky Revised Statutes is amended to read as follows:

(1) Each member of the Kentucky Board of Pharmacy, except the Secretary-Treasurer shall receive fifteen dollars for each day actually engaged in the service of the Board. Each member shall receive his traveling expenses and all necessary expenses incurred in the performance of his official duties.

(2) The secretary-treasurer of the board shall receive a salary determined by the board, but not to exceed fifteen hundred dollars a year. He shall also receive his traveling and all necessary expenses incurerd in the performance of his official duties.

S. B. No. 147. AN ACT relating to authorized investments of trust funds; providing for accounting for profits; providing for the ascertainment and apportionment of dividends among life tenants and remaindermen; amending Section 386.020 of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 386.020 of the Kentucky Revised Statutes, be and the same is hereby repealed, amended and re-enacted so that as amended and re-enacted, it shall read as follows:

(1) Any fiduciary holding funds for loan or investment may invest them in:

(a) Bonds or other interest-bearing obligations of the Federal Government;

(b) Bonds, state warrants and other interest-bearing obligations of this state;

(c) Securities authorized by the Federal Farm Loan Act (39 Stat. 360) as amended;

(d) Bonds and obligations of the Home Owners' Loan Corporation, Federal Farm Mortgage Corporation, or the Federal Intermediate Credit Bank;

(e) Notes and bonds secured by mortgage or trust deed insured by the Federal Housing Administratrator, obligations issued or insured by the Federal Housing Administrator, and securities issued by National Mortgage Associations;

(f) Obligations representing loans and advances of credits that are eligible for credit insurance by the Federal Housing Administrator, and the fiduciary may obtain such insurance;

(g) Loans, secured by real property or leasehold, that the Federal Housing Administrator insures

or makes a commitment to insure, and the fiduciary may obtain such insurance;

(h) Real estate mortgage notes, bonds and other interest-bearing or dividend-paying securities which would be regarded by prudent businessmen as safe investments;

(i) Real estate, after obtaining the approval of the county court for such investment; and

(j) Life insurance, endowment and annuity contracts issued by legal reserve companies authorized to do business in this state, after obtaining the approval of the county court for such investment. Said fiduciary may select any optional settlement provided in a policy maturing by death or as an endowment.

(2) Fiduciaries holding funds for loan or investment may make loans with the securities named in subsection (1) as collateral.

(3) The fiduciary shall account for all interest or profit received.

(4) All dividends on shares of a corporation forming a part of the principal of an estate or trust which are payable in shares of the same class of the corporation and which are payable at a rate of 10% or more of the corporation's outstanding shares of such class before such dividend, shall be deemed principal of the estate or trust, and all such dividends payable at a rate less than 10% of the corporation's outstanding shares of such class before such dividend, shall be deemed income of the estate or trust. Subject to the provisions of this section, all dividends payable otherwise than in the shares of the same class of the corporation itself, including ordinary and extra-ordinary dividends and dividends payable in shares or other securities or obligations of corporations other than the declaring corporation, shall be deemed income. Where the trustee

shall have the option of receiving a dividend either in cash or in the shares of the declaring corporation, it shall be considered as a cash dividend and deemed income, irrespective of the choice made by the trustee.

S. B. No. 151. AN ACT relating to the taxing of discretionary trusts and revocable trusts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1 Section 141.030 of the Kentucky Revised Statutes is amended to read as follows:

(1) The tax imposed by KRS 141.020 upon individuals shall apply to estates and trusts and to all fiduciaries. This tax shall be paid annually upon the income of estates and of any property held in trust, including:

(a) Income received by estates of deceased persons during the period of administration or settlement of the estate.

(b) Income accumulated in trust for the benefit of an unborn or unascertained person, or persons with contingent interests.

(c) Income held for future distribution under the terms of a will or trust.

(d) Income that is to be distributed to the beneficiaries periodically, whether or not at regular intervals, and income collected by a guardian of an infant to be held or distributed as the court may direct.

(e) Income of an estate during the period of administration or settlement permitted by subsection (3) of this section to be deducted from the net income upon which the tax is to be paid by the fiduciary.

(2) The fiduciary shall be responsible for making the return of income for the estate or trust for which he acts, whether the income is taxable to the estate or trust or

to the beneficiaries thereof. The net income of an estate or trust shall be computed in the same manner and on the same basis as provided for individual taxpayers, except that there shall also be allowed as a deduction any part of the gross income which, pursuant to the terms of the will or deed creating the trust, is during taxable year paid to or permanently set aside for the United States, this state or any taxing subdivision thereof, or any corporation or association organized and operated in this state exclusively for religious, charitable, scientific or educational purposes, no part of the net earnings of which inures to the benefit of any private stockholder or individual. In cases under paragraphs (d) and (e) of subsection (1) of this section, the fiduciary shall include in the return a statement of each beneficiary's distributive share of the net income, whether or not distributed before the close of the taxable year for which return is made.

(3) In cases under paragraphs (a), (b) and (c) of subsection (1) of this section, the tax shall be imposed upon the estate or trust with respect to the net income of the estate or trust and shall be paid by the fiduciary, except that in determining the net income of the estate of any deceased person during the period of administration or settlement there may be deducted the amount of any income properly paid or credited to any legatee, heir or other beneficiary. In such cases, the estate or trust shall be allowed no exemption such as is allowed to individuals, and a trust created by a nonresident person and an estate of a nonresident person shall be subject to tax only to the extent to which individuals other than residents are liable under this chapter.

(4) In cases under paragraphs (d) and (e) of subsection (1) of this section, if the distribution of income is in the discretion of the fiduciary, either as to the beneficiaries to whom payable or as to the amounts to which any beneficiary is entitled, the tax shall be imposed upon the estate or trust in the manner provided in

subsection (3) of this section to the extent of income not actually distributed to beneficiaries. In all other cases under paragraphs (d) and (e) of subsection (1) of this section, the tax shall not be paid by the fiduciary, but there shall be included in computing the net income of each beneficiary his distributive share, whether distributed or not, of the net income of the estate or trust for the taxable year, or, if his net income for the taxable year is computed upon the basis of a period different from that upon the basis of which the net income of the estate or trust is computed, then his distributive share of the net income of the estate or trust for any accounting period of the estate or trust ending within the fiscal year or calendar year upon the basis of which the beneficiary's net income is computed. In such cases the income of a nonresident beneficiary, derived through such estate or trust, shall be taxable only to the extent provided in this chapter.

(5) Notwithstanding subsections (1), (2), (3), (4) of this section, where at any time the power to revest in the grantor title to any part of the corpus of the trust is vested—

(a) in the grantor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of such part of the corpus or the income therefrom, or

(b) in any person not having a substantial adverse interest in the disposition of such part of the corpus or the income therefrom,

then the income of such part of the trust shall be included in computing the net income of the grantor.

(6) Where any part of the income of a trust:

(a) Is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be, held or accumulated for future distribution to the grantor; or

(b) May, in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income, be distributed to the grantor; or

(c) Is, or in the discretion of the grantor or of any person not having a substantial adverse interest in the disposition of such part of the income may be, applied to the payment of premiums upon policies of insurance on the life of the grantor (except policies of insurance irrevocably payable for the purposes and in the manner specified in Section 141.080 (10) relating to the so-called "charitable contribution" deduction); then such part of the income of the trust shall be included in computing the net income of the grantor.

S. B. No. 154. AN ACT relating to contracts and agreements required to be in writing.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 371.010 of the Kentucky Revised Statutes is amended to read as follows:

No action shall be brought to charge any person:

(1) For any representation or assurance concerning the character, conduct, credit, ability, trade or dealings of another, made with intent that such other may obtain thereby credit, money or goods;

(2) Upon any promise to pay a debt contracted during infancy, or any ratification of a contract or promise made during infancy;

(3) Upon any promise of a personal representative as such to answer any liability of his decedent out of his own estate;

(4) Upon any promise to answer for the debt, default or misdoing of another;

(5) Upon any agreement made in consideration of marriage, except mutual promises to marry;

(6) Upon any contract for the sale of real estate, or any lease thereof for longer than one year; or

(7) Upon any agreement that is not to be performed within one year from the making thereof; or

(8) Upon any promise, agreement, or contract for any commission or compensation for the sale or lease of any real estate or for assisting another in the sale or lease of any real estate; unless the promise, contract, agreement, representation, assurance or ratification, or some memorandum or note thereof, be in writing and signed by the party to be charged therewith, or by his authorized agent. The consideration need not be expressed in the writing, but it may be proved when necessary or disapproved by parol or other evidence.

S. B. No. 170. AN ACT relating to judicial districts; creating an additional district and making changes in the apportionment of counties to the Tenth Judicial District in order to comply with the meaning and intent of the Constitution with respect to the division of the state into judicial districts; providing for continuation in office of the present circuit judges and Commonwealth's attorneys and creating the offices of circuit judge and Commonwealth's attorney for the new district established by this Act; and providing for the holding of court in each district affected by this Act.

Said bill is as follows, viz:

WHEREAS, the General Assembly has given due regard to the elements of territory, business and population involved in the division of the state into judicial districts; and

WHEREAS, with such due regard, the General Assembly has found the following facts to exist:

(1) That the entire population of the state as of the last preceding Federal census, is 2,845,627,

(2) That upon the basis of such population, additional judicial districts may be established to those now existing, pursuant to Sections 128 and 132 of the Constitution.

(3) That it will be convenient and advantageous from the standpoint of territory, and will comply with the spirit and intent of the Constitution with respect to population and expedite the business of the courts in the counties involved, to create a new judicial district to consist of the Counties of Barren and Metcalf, and to change the Tenth Judicial District so it consist of the Counties of Bullitt, Hart, LaRue and Nelson.

NOW, THEREFORE;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The Tenth Judicial District shall hereafter be composed of the Counties of Bullitt, Hart, LaRue and Nelson.

Sec. 2. A new judicial district is established to be numbered the Forty-third Judicial District and to consist of the Counties of Barren and Metcalf.

Sec. 3. The present circuit judge and Commonwealth's attorney for the Tenth Judicial District, as now constituted, shall retain their respective offices, for the terms for which they were elected, for the said district as it has been changed under this Act, provided that the Circuit Judge, being a resident of LaRue County, shall be allowed to retain his office as judge of the Tenth Judicial District for the term for which he was elected and provided that the Commonwealth's Attorney being a resident of Barren County, shall be allowed to retain the office of Commonwealth's Attorney for the Forty-third District for the period of time for which he was elected.

Sec. 4. The office of circuit judge and Commonwealth's Attorney for the new judicial district established by this Act, being the Forty-third Judicial District, are hereby created. Until the regular election for circuit judge and Commonwealth's attorney in 1951, the office of circuit judge in the Forty-third Judicial District and the office of Commonwealth's Attorney in the Tenth

Judicial District shall be filled as provided in Section 152 of the Constitution for offices in which there is a vacancy.

Sec. 5. The regular term of each court in the judicial districts dealt with by this Act shall commence in each county at the following named times, and continue, if the business requires it, the number of days hereinafter prescribed:

Tenth District. Hart County, at Munfordville, on the first Monday in September and the first Monday in January, 18 juridical days each; and on the first Monday in April, 12 juridical days.

LaRue County, at Hodgenville, on the fourth Monday in April, the first Monday in October, and the first Monday in February, 12 juridical days each.

Nelson County, at Bardstown, on the second Monday in May and the fourth Monday in October, 18 juridical days each; and on the third Monday in February, 12 juridical days.

Bullitt County, at Shepherdsville, on the fourth Monday in November and the first Monday in March, 12 juridical days each; and on the fourth Monday in June, 18 juridical days.

Forty-third District. Barren County, at Glasgow, on the second Monday in January, thirty juridical days; on the first Monday in April and the second Monday in September, thirty juridical days each.

Metcalf County, at Edmonton, on the first Monday in March, eighteen juridical days; on the second Monday in July and the first Monday in November, eighteen juridical days each.

Sec. 6. This Act shall take effect on June 25, 1950.

S. B. No. 171. AN ACT relating to administration and enforcement of the law with respect to securities; abolishing the Division of Securities in the Department of Banking; providing for a revolving trust or agency fund for securities administration and enforcement within the Department of Banking Revolving Trust or Agency Fund Account; and providing for a transfer of appropriations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 286.060 of the Kentucky Revised Statutes is repealed.

Sec. 2. Section 287.011 of the Kentucky Revised Statutes is amended to read as follows:

(1) There is created a Department of Banking, which shall constitute a statutory administrative department of the state government within the meaning of Chapter 12 of the Kentucky Revised Statutes. The department shall be headed by a Commissioner of Banking, who shall be the executive head of the department and shall be charged with the administration of the department.

(2) The Department of Banking shall have and exercise all administrative functions of the state in relation to the regulation, supervision, chartering and licensing of banks, trust companies, building and loan associations, petty loan companies, investment and industrial loan companies, and credit unions, and in relation to the regulation of securities. For administrative purposes the department may be divided into sections for each class of financial institution under jurisdiction of the department, and there shall be within the department, for regulation of securities, a Division of Securities, headed by a director who shall have had at least four years' successful business experience.

(3) Wherever in the statutes there is a reference to the "Division of Banking," "Director of Banking," "deputy director of banking" or similar official, it shall be deemed to refer respectively, to the Department of Banking, Commissioner of Banking, deputy commissioner of banking or other appropriate official of the Department of Banking.

Sec. 3. A new section of the statutes is created, to be numbered KRS 292.015 and to read as follows:

Wherever in this chapter there is a reference to the Division of Securities it means the Division of Securities in the Department of Banking.

Sec. 4. All fees collected and paid into the State Treasury under the provisions of KRS Chapter 292 shall be credited to the revolving trust or agency fund account, as provided in KRS 45.140, for the Department of Banking and shall be separately accounted for and used for administration and enforcement of the provisions of KRS Chapter 292.

Sec. 5. Any sums appropriated out of the State Treasury to the Division of Securities in the Department of Business Regulation for the fiscal years 1950-1951 and 1951-1952 shall be transferred to and be deemed to be appropriated to the Division of Securities in the Department of Banking.

Sec. 6. This Act shall take effect on July 1, 1950.

S. B. No. 174. AN ACT relating to parental and marital duties and obligations, with particular relation to desertion, abandonment or failure to provide maintenance or support for a child or wife, and the custody of children, amending KRS 435.240.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Section 435.240 of the Kentucky Revised Statutes is amended to read as follows:

(1) The parent of any child residing in this state who leaves, deserts or abandons a child under the age of sixteen years, leaving the child in destitute or indigent circumstances and without making proper provision for the board, clothing, education and proper care of the child in a manner suitable to the condition and station in life of the parent and the child, or any married man who leaves, deserts or abandons his wife while she is pregnant by him, leaving her in destitute or indigent circumstances and without making proper provision for the board, clothing and proper care of the wife in a manner suitable to the condition and station in life of the man and his wife, shall be confined in the penitentiary for not less than one nor more than five years.

(2) The circuit court may postpone, at the request of the defendant, any trial under any indictment returned under sub-

section (1) of this section during the good behavior of the defendant, and may suspend judgment upon any verdict of conviction during the good behavior of the person convicted. It shall have power over the verdict or indictment for five years after the return of such an indictment or the rendition of such a verdict, and may dismiss such an indictment or set aside such a verdict when in the exercise of a sound judicial discretion it deems the conduct of the parent will warrant such action.

(3) (a) If a divorce has been granted by a court of competent jurisdiction, and thereafter the parent of any child under the age of sixteen years shall fail to comply with the orders of the court relative to the maintenance or support of the child as set forth in the judgment granting the divorce, or if the parent having the custody of such child under the orders of the court shall abandon or desert the child, or if a parent, not having the custody of the child shall take and carry away the child from the custody of the parent or other person to whom the custody of the child was awarded by the judgment of divorce, or by a subsequent order of the court amending the judgment, without the consent of the parent or other person having custody, the parent so doing shall be deemed guilty of a felony and upon conviction shall be confined in the penitentiary for not less than one nor more than five years.

(b) The circuit court in which the divorce was granted, the circuit court of the county where the custodian of the child resided at the time of the offense set out in this subsection was committed, and the circuit court of the county where the child was when the offense was committed, shall each have jurisdiction of the prosecution under this subsection.

(c) The provisions of subsection (2) of this Section in regard to postponement of trial and suspension of judgment shall also apply to any indictment, trial or judgment under this subsection.

Sec. 2. Whereas, the conduct for which this Act imposes a penalty constitutes an imminent danger to the welfare and security of the children of this Commonwealth, and is responsible for promoting serious conditions of juvenile delinquency, an

emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

S. B. No. 179. AN ACT relating to the licensing, inspection, and regulating of hospitals as herein defined, which includes, without limitation, hospitals, public health centers, nursing and convalescent homes and all institutions for the care of the sick; providing for a licensing agency and prescribing its powers; creating a hospital council and prescribing its powers; providing minimum standards, enforcement procedures, penalties and appropriations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Definitions. As in this Act:

(a) "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than 24 hours in any week of two or more non-related individuals suffering from illness, disease, injury, or deformity, or a place devoted primarily to providing for not less than 24 hours in any week of obstetrical or other medical or nursing care for two or more non-related individuals. The term "Hospital" includes public health centers, nursing and convalescent homes and all institutions for the care of the sick.

(b) "Person means any individual, firm, partnership, corporation, company, association, or joint stock association and the legal successor thereof.

(c) "Government Unit" means the State, or any county, municipality, or department, division, board or agency of any of the foregoing.

(d) "Licensing Agency" means the State Board of Health.

Sec. 2. Purpose

The purpose of this Act is to provide for the development, establishment and enforcement of minimum standards for the

care and treatment of individuals, and for the construction, maintenance and operation of hospitals which, in the light of advancing knowledge, will promote the safe and adequate treatment of such individuals in hospitals.

Sec. 3. Application for license.

An application for a license shall be made to the Licensing Agency upon forms provided by it and shall contain such information as the Licensing Agency reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed hereunder. Each application shall be accompanied by a license fee of $5.00.

Sec. 4. Issuance and renewal of license.

Upon receipt of an application for license and the license fee the Licensing Agency shall issue a license, if the applicant and the hospital facilities meet the requirements established under this law. Any hospital which is in operation at the time this Act becomes effective shall be licensed upon application and if it does not comply with the standards shall be given a period of two years in which to comply with the standards before action for the revocation or suspension of license may be instituted. Each license, unless sooner suspended or revoked, shall expire on June 30 following its issuance, and be renewable annually for a fee of $2.00 upon filing by the licensee and approval of the Licensing Agency, of an annual report upon such uniform dates and containing such information in such form as the Licensing Agency may reasonably require. Each license shall be issued only for the premises and persons or governmental units named in the application and shall not be transferrable or assignable without the written approval of the Licensing Agency. Licenses shall be posted in a conspicuous place on the licensed premises.

Sec. 5. Denial, suspension or revocation of license; hearings and review.

The Licensing Agency after notice and opportunity for

hearing to the applicant or licensee is authorized to deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under this law, except as provided in Section 4.

Such notices shall be effected by registered mail, or by personal service, setting forth the particular reasons for the proposed action and fixing a date of not less than 30 days from the date of such mailing or service, at which time the applicant or licensee shall be given an opportunity for a prompt and fair hearing. On the basis of any such hearing, or upon default of the applicant or licensee, the Licensing Agency shall make a determination specifying its findings of fact and conclusions of law. A copy of such determination shall be sent by registered mail or served personally upon the applicant or licensee. The decision revoking, suspending or denying the license or application shall become final thirty days after it is so mailed or served, unless the applicant or licensee, within such thirty day period appeals the decision to the court, pursuant to Section 10 hereof.

The procedure governing hearings authorized by this Section shall be in accordance with rules promulgated by the Licensing Agency with the advice and approval of the Hospital Council.

Sec. 6. Minimum Standards.

(a) Submission of Plans for New Construction or Alterations.

Before construction is begun involving an expenditure of more than $150,000.00 for the construction of new buildings or additions or alterations to existing buildings or any change in facilities, for a hospital, the licensee shall submit plans to the Licensing Agency for approval.

No system of water supply, plumbing, sewage, garbage or refuse disposal for a hospital shall be installed nor any such existing system be materially altered or extended until complete plans and specifications for the installation, alteration or

extension, together with such information as may be required, have been submitted and approved by the State Department of Health in accordance with the sanitary codes in existing Kentucky statutes. Hospitals shall comply with all local zoning regulations. They shall be so located as to be reasonably free from noises, smoke, foul odors or other disturbing or injurious nuisances.

(b) Location and Communication.

Hospitals shall be served by a good road which is kept passable at all times of the year. There must be one or more telephones or other communication system as may be needed in order to summon help promptly in case of fire or other emergencies.

(c) Physical Plant.

1. Construction. The construction of the building shall be such as to provide for the safety and protection of the patients and personnel. The building shall be kept in good repair as related to the comfort and safety of its occupants. The building shall comply with the rules, regulations, and standards of safety in accordance with existing Kentucky statutes governing fire and safety precautions. The building shall be so constructed and screened as to prevent the entrance of rats, flies, mosquitoes and other rodents and insects capable of transmitting disease. The walls, floors and ceilings shall be of such a character to permit frequent washing, cleaning or painting and the maintenance of sanitary conditions. The building shall comply with all existing local building codes.

2. Heating. The hospital shall be provided with a heating system, capable of maintaining a minimum temperature of 68° F. at all times in the patient areas.

3. Lighting. Each patient's room shall have sufficient lighting for reading and all other uses as needed. All entrances, hallways, stairways, inclines, ramps, cellars, attics, store rooms, kitchens, laundries and service units must have sufficient lighting to prevent accidents and to promote efficiency of service.

Emergency lighting facilities must be provided and distributed so as to be readily available to personnel on duty. Flashlights or battery operated lamps shall be in readiness at all times for use in the delivery and operating rooms. At no time may open flame type of lights be used in these rooms.

4. Ventilation. The building shall be adequately ventilated at all times. Special attention shall be given to the ventilation of patient's quarters so as to supply fresh air and to prevent accumulation of objectionable odors. Toilets without outside window ventilation may not be used unless there is an adequate system of forced ventilation.

5. Elevators and Stairways. If elevators are provided they shall be maintained, checked and kept in good condition at all times. Stairways shall be provided with handrails. Stairways should be of a width and design which will easily accommodate removal of a patient by stretcher and should be enclosed with a vertical cut-off at each floor level.

(d) Sanitation.

(1) Housekeeping. Housekeeping facilities and services are required to be such that comfortable and sanitary living conditions for patients and employes are maintained constantly. Accumulated waste material must be removed daily. There must be frequent cleaning of floors, walls, woodwork, and windows. The premises must be kept free from rodent and insect infestation. Bath and toilet facilities must be maintained in a clean and sanitary condition at all times.

2. Water Supply. The water supply must be approved by the State Department of Health of Kentucky. There shall be an ample supply of hot water available at all times for general use.

3. Sewage Disposal. Sewers shall be discharged into a municipal sewerage system where such a system is available; otherwise, the sewage shall be collected, treated and disposed of in an independent sewerage system which complies with the standards approved by the sanitary codes of the State Depart-

ment of Health of Kentucky and city regulations.

4. Plumbing. All plumbing, plumbing fixtures, sterilizers and other similar equipment shall be so constructed, installed and maintained as to prevent cross connections or other sanitary hazards, as required by the standards approved by the sanitary codes of the State Department of Health of Kentucky and applicable city regulations. A sanitary bath, toilet and lavatory must be provided on each floor where patients are cared for. Stationary handrails shall be provided for use of infirm patients in getting in and out of the tub.

5. Garbage Disposal. Garbage must be kept in watertight metal containers with tight fitting covers. They must be emptied at frequent intervals and should be thoroughly scoured and aired before being used again. Infectious waste materials shall be burned on the premises. Other garbage may also be burned if no satisfactory garbage collection service is available. If burning is method used for disposal of garbage an approved incinerator must be available for that purpose. Wire baskets are not acceptable as they constitute a fire hazard.

6. Laundry. The Institution shall make provision for the proper cleaning of linen and other washable goods with special provision for handling contaminated linen. Hospitals maintaining and operating laundries shall provide ventilation for the elimination of steam and odors and proper insulation to prevent the transmission of noises to patient areas.

(e) Food handling.

1. Preparing and Serving Food. The patients must be served a sufficient amount of wholesome and nourishing food which must be clean, properly prepared, palatable, easily digestible and contain all essential constituents of a well balanced diet. The equipment shall include such facilities as are needed to prepare hot, well balanced meals in sufficient quantity to serve as many patients as the institution accommodates. The method of serving food from kitchen to patient should be arranged to make food attractive and keep it hot.

2. Refrigeration and Storerooms. Refrigerators must be adequate to keep all perishable foods at a temperature below 50° F. All refrigerators shall be provided with thermometers. Storerooms should be so arranged that access to food supplies is convenient. The supplies must be protected against unnecessary handling, the invasion of rodents and insects, the seepage of dust, water leakage or other sources of contamination.

3. Cleaning of Food Containers. All food containers such as drinking glasses, drinking cups, plates, saucers, knives, forks, spoons, dippers and other containers and utensils used in the dispensing, preparation or storage of food and drink must, following the last preceding use, be washed until visibly clean in warm water containing an ample quantity of detergent. After cleaning, all food containers must be rinsed with clean running water or immersed in a suitable receptacle containing clear water. All food containers, after cleaning and rinsing, must be disinfected by one of the following procedures:

> The food container shall be immersed in water at a temperature of not less than 180° F. for not less than one minute; or the food container shall be immersed in a solution containing not less than 100 parts per million available chlorine for one minute, or if immediately withdrawn from the solution, allowed to drain on a wire or corrugated metal rack for at least one minute; or disinfected by some other approved method. After the food containers are cleaned, rinsed, and disinfected, they must be stored in such a manner as not to become contaminated before being used. The results obtained with dishwashing machines shall be equal to those obtained by the method outlined above.

4. Ice. Ice that is used in direct contact with food and drink shall be obtained from sanitary sources and handled in a sanitary manner.

5. Milk Supply. The milk should be pasteurized. If pasteurized milk is available it shall be used. If not, the sources of supply and distribution must be approved by the State Department of Health of Kentucky.

6. Handwashing Facilities. Handwashing facilities shall be provided in a convenient location for kitchen workers. They shall be equipped with an adequate supply of soap, disposable towels and hot and cold running water. The use of the common towel is prohibited.

7. Other Requirements. The hospital shall comply with the existing laws, rules and regulations governing the handling of food and food products in the State of Kentucky, except as outlined above.

(f) Accommodations for Patients.

1. Room. Each patient's room shall communicate directly with a corridor without passage through another patient area. Rooms extending below ground level shall not be used for patients unless they are dry, well ventilated and otherwise suitable for occupancy.

2. Floor Space. Beds must be spaced so as to provide adequate room for nursing procedures and to prevent the transmission of infection. Beds must be placed at least three feet apart.

3. Furnishings. Bed—A bed must be provided for each patient.

Bedding—A sufficient supply of clean bedding and bed linen shall be kept on hand for use at all times.

In addition to the bed, the patient unit should be provided with at least one chair and either a dresser or a compartment bedside table to accommodate the patient's personal possessions, such as toilet articles. After discharge of each patient the complete unit must be thoroughly cleaned, including all articles of equipment that have been used for the special care of that patient, and such articles as bedpan and thermometer must be disinfected.

4. Signal System. A system must be maintained for bed patients to use in calling nurses and attendants.

(g) Facilities and Equipment for Care.

1. Space and Equipment for Special Services. There shall be adequate space and facilities for the proper cleaning and

storage of nursing supplies and equipment. This space should be removed from patient contacts and kept stocked and in order by a definitely arranged plan so that contents are easily available for use by the nursing staff. Suitable provision must be made for the preparation of medications and treatments.

(a) Utility Rooms. Utility rooms shall be adequately ventilated. They shall be conveniently located for efficient conduct of work. One or more bedpan hoppers shall be readily accessible to each patient area. The bathtub, lavatory or laundry tray shall not be used for cleaning bedpans.

(b) Operating and Delivery Rooms. If there are operating and delivery rooms, they shall be provided with adequate equipment to meet the requirements of the hospital both in quality and in quantity.

(c) Drugs. An adequate supply of essential drugs, biologicals and other medicinal agents shall be available at all times to meet the requirements of the hospital. They shall be stored in safe manner and kept properly labeled and accessible. Narcotics and other dangerous or poisonous drugs shall be handled in a safe manner to protect against their unauthorized use. The cabinet for drugs must be well illuminated. There shall be adequate refrigeration for biologicals and drugs which require refrigeration. The existing laws, rules and regulations governing drugs and poisons shall be complied with.

(d) X-Ray Facilities. If X-ray facilities are provided, there shall be ample space for the X-Ray equipment, film storage, view boxes and dark room equipment. Proper precautions to protect patients and hospital personnel against undue radiation shall be taken.

(e) Laboratories. If a laboratory is provided there shall be ample space, equipment and supplies to meet the requirements of the hospital.

(f) Morgue. A proper, well ventilated morgue with refrigerated compartments shall be provided if unembalmed bodies are held.

(g) Sterilizing Room. There shall be adequate facilities for sterilization of supplies and equipment to be used in the hospital.

2. Equipment and Supplies for Bedside Care.

(a) Linen. The following articles of linen must be provided: Large sheets, draw sheets, pillow slips, bedspreads, bath towels, wash cloths, bed pan covers, hot water bottle covers, ice cap covers, face towels. Individual towels, wash cloths and bath blankets must be provided for each patient. Bedpan covers shall not be used interchangeably.

(b) Utensils. There shall be a sufficient number of wash basins, urinals, mouthwash cups and curved basins, covered water pitchers and drinking glasses, for the use of each patient. If the above equipment is sterilized after each using it need not be kept individual.

(c) Thermometers. There shall be a sufficient number of thermometers for either individual use or to permit adequate distinfection before using.

(d) Hot water bags. Hot water bags must be covered before placing in beds or on a patient. The greatest care must be exercised in their use to see that water is not too hot and bags are not leaking. (The water should not be over 120° F.) A bath thermometer shall be used to test water.

(e) Other Equipment and Supplies. There shall be an adequate supply of all equipment and supplies as required according to the needs of the hospital and the services it renders.

3. Sterilization of Supplies. There shall be provision for the proper sterilization of dressings, utensils, instruments and water. The hospital shall adopt a recognized method of checking sterilizer performance, such as the use of a fusing control in the largest package of each load or the bacteriological examination of sterilized dressings at frequent intervals. A cabinet, cupboard or other suitable enclosed space must be provided for keeping sterile equipment and supplies in a clean, convenient and orderly

manner. Special precautions must be taken so that sterile supplies may not be mixed with unsterile supplies.

4. Handwashing Facilities. There shall be adequate handwashing facilities throughout the institution. Especially must they be provided for operating, delivery and labor rooms; in examining rooms and treatment rooms; in main and diet kitchens; in utility and other service rooms; in toilet rooms; in rooms used for isolation of patients; and in the nursery. Lavatories in wards and patients' rooms must be installed, whenever possible. A sufficient supply of linen or paper towels shall be constantly available. Use of the common towel is prohibited.

(h) Personnel and Policies. All patients admitted to a hospital governed by this Act must be under the care of a person duly licensed to practice one of the healing arts recognized or permitted by the laws of the state of Kentucky. Sufficient personnel shall be maintained to insure the proper care of the patients. Nothing in this Act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation or control of the remedial care or treatment of the residents or patients in any hospital conducted for those who rely upon treatment by spiritual means in accordance with the creed or tenets of any well recognized church or religious denomination. Nothing in this Act or the rules and regulations adopted pursuant thereto shall be construed in any way to have the effect of denying a license to any hospital solely by reason of the type or system of practice of any of the healing arts which are recognized or permitted under the laws of the State of Kentucky.

(i) Records and Reports. Adequate and complete records shall be written for all patients admitted to the hospital. These records shall be filed in an orderly and accessible manner in the hospital. All orders of physicians should be written in ink or indelible pencil, and signed by a physician. Such orders shall be preserved on the patient's chart or in the established record of such orders.

(j) Patient Care. Every reasonable effort shall be made to provide the best possible care and treatment for the patients. Every reasonable effort shall be made to provide for their comfort and care as well as the actual treatment that is given.

Accepted ethical principles of care and treatment shall be followed, and the entire hospital shall be operated in an acceptable and ethical manner in the public interest. The reporting of all births, deaths, reportable diseases and other vital statistics required by the State Department of Health under existing laws, rules and regulations shall be complied with.

(k) Communicable Diseases. All of the existing laws, rules and regulations of the State Department of Health shall be complied with as related to the control of the spread of communicable diseases. If patients are accepted with communicable diseases, suitable isolation and quarantine facilities shall be provided. Every effort shall be made to prevent the spread of disease in the hospital and to prevent the spread of disease from patients in the hospital to persons outside the hospital. Every reasonable safeguard shall be provided for the maintaining and protection of the health of the personnel of the hospital.

Sec. 7. Hospital Council.

The Governor shall appoint a Hospital Council consisting of ten members as herein provided:

(a) Five physicians who are licensed to practice medicine in Kentucky, one of whom shall be the State Health Commissioner by virtue of his office who shall serve as chairman; one of whom shall be active in hospital administration; and three of whom are in active practice in Kentucky. At least one of the latter shall be from a city other than of the first, second or third class, and no two, excepting the State Commissioner of Health, shall reside in the same county of the Commonwealth of Kentucky.

(b) Three persons of recognized ability in the field of hospital administration who are actively associated with hospitals in Kentucky, and

(c) Two persons representing the public, each of whom shall be a member of a governing body of a hospital in Kentucky provided:

One of the above five members, under classes (b) and (c), shall reside in a city other than of the first, second, or third class, and no two of the five members shall reside in the same county of the Commonwealth of Kentucky.

The appointments shall be made from a list of three nominees for each vacancy submitted by the Kentucky State Medical Association for those in class (a) and by the Kentucky Hospital Association for those in classes (b) and (c). Members of the Hospital Council, except its chairman, shall be appointed for terms of three years except that the initial council shall determine by lot which three members, one of class (a), one of class (b), and one of class (c), shall serve for one year; which three members, one of class (a), one of class (b), and one of class (c) shall serve for two years; and which three members, two of class (a) and one of class (b) shall serve for three years. Members whose terms expire shall hold office until the appointment of their successors. In the event of a vacancy occurring before the expiration of a member's term the appointment shall be for the unexpired term. The Council shall not meet less than once each year and shall meet additionally upon the call of the chairman or at the request of any four members. Members of the Hospital Council shall serve without compensation but shall be reimbursed for necessary travel and subsistence expenses incurred in performance of their duties.

Sec. 8. Functions of the Licensing Agency.

It shall be the duty of the Licensing Agency with the aid and approval of the Hospital Council to make rules and regulations governing the administration and enforcement of this Act and to employ such inspectors, clerks, and other personnel as is necessary to the proper administration of the Act. The Licensing Agency shall, through its authorized agent or agents, have full and free access to the required records, grounds and buildings of every institution licensed or who has applied for license under this Act.

Sec. 9. Information Confidential.

Information received by the Licensing Agency through its filed reports, inspection, or as otherwise authorized under this law shall not be disclosed publicly in such a manner as to identify individuals or hospitals except in a proceeding involving the question of licensure.

Sec. 10. Judicial Review.

Any applicant or licensee, or the State acting through the Attorney General, aggrieved by a determination of the Licensing Agency after a hearing, may, within 30 days after the mailing of serving of a notice of the decision as provided in Section 5, file a notice of appeal in the Franklin Circuit Court. Pending final disposition of the matter the status quo of the applicant or licensee shall be preserved except as the court otherwise orders in the public interest.

Sec. 11. No person or governmental unit shall operate or conduct a hospital without having a license under this Act.

Sec. 12. Penalties.

Any person or governmental unit establishing, conducting, managing, or operating any hospital without a license under this law shall be guilty of a misdemeanor and upon conviction shall be fined not less than $10.00 nor more than $20.00. Each day of violation of any of the provisions of this Act shall be considered a separate offense.

Sec. 13. Injunction.

Notwithstanding the existence or pursuit of any other remedy, the Licensing Agency may in the manner provided by law, upon the advice of the Attorney General who shall represent the Licensing Agency in the proceedings, maintain an action in the name of the State for injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, management or operation of a hospital without a license under this law.

Sec. 14. Appropriation.

There is hereby appropriated to the State Board of Health, out of the General Expenditure Fund in the State Treasury, the sum of $15,000 each year for each of the fiscal years 1950-51 and 1951-52.

Sec. 15. Effective Date.

This Act shall become effective on July 1, 1950.

S. B. No. 185. AN ACT relating to Common Trust Funds, established pursuant to KRS 287.230, creating a new section to be known as KRS 287.235 and providing that such Funds shall not be considered as a separate entity for tax purposes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Common trust funds shall not be considered as an entity for income or other tax purposes, nor shall investment in such fund make taxable any property which is otherwise exempt therefrom; and for purposes of taxation, the status of the common trust fund and of each participant therein shall be determined as though there were no common fund and as though each participant was the owner of its proportionate share of every asset held in the common fund. The bank or trust company maintaining said fund shall file a report of said fund with the County Tax Commissioner as of the ad valorem tax date and shall file annually such income tax information as may be required by the Department of Revenue.

S. B. No. 187. AN ACT relating to Corporations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1: KRS 271.615 shall be construed to confer upon all corporations referred to in paragraph (1) thereof and existing on June 30, 1946 all powers conferred by KRS Chap. 271 on any corporation organized under the provisions thereof.

Section 2: KRS 271.275 is hereby amended and re-enacted to read as follows:

(1) If any dividend be paid in violation of KRS 271.265, or if any other unlawful distribution, payment or return of assets be made to shareholders, the directors who knowingly, or without making reasonable inquiry, voted in favor thereof shall be jointly and severally liable to the corporation, and, in the event

of its dissolution or insolvency, to its creditors, in an amount equal to the amount of the dividend so paid and the distribution, payment or return of assets so made. A director shall not be liable hereunder if he relied and acted in good faith upon a balance sheet and profit and loss statement of the corporation represented to him to be correct by the president or the officer or employe of the corporation having charge of its books of account, or certified by an independent public or certified public accountant to fairly represent the financial condition of the corporation, nor shall he be so liable if in good faith, in determining the amount available for any such dividend, distribution, payment or return of assets, he considered the assets to be of their book value.

(2) Each shareholder who shall receive any such dividend or any such distribution, payment or return of assets (a) shall be individually liable to the corporation, and, in the event of its dissolution or insolvency, to its creditors, in an amount equal to the amount so received by him, or (b) shall be individually liable, up to the amount so received by him, to any director who has or directors who have been adjudged liable to the corporation on account thereof under Paragraph (1) of Section 2 hereof and who has or have made payment to the corporation on account of such a judgment, for the aggregate amount so paid to the corporation; and any director who has, or directors who have made any such payment, or the corporation may institute and maintain a single action in the circuit court of the county in which the registered office of the corporation is situated against any or all of such shareholders residing within this Commonwealth.

(3) No action shall be brought against a director under Paragraph (1) of Section 2 hereof or against a shareholder under Paragraph (2) (a) of Section 2 hereof, unless brought within two years from the date on which such payment, distribution or return was made; and no action shall be brought against a shareholder under Paragraph (2) (b) of Section 2 hereof, unless brought within two years from the date on which the director or directors made the payment or payments on account of such a judgment.

Section 3: If a merger or consolidation of corporations, effected under the provisions of KRS Chap. 271, is set aside, the rights, privileges, franchises and properties acquired by the surviving or new corporation through the merger or consolidation, which has not been disposed of, shall become revested in the constituent corporation from which acquired, subject to such indebtedness and liens as may be equitable, and all other properties of the surviving or new corporation shall become vested in the constituent corporations in such manner as may be equitable.

S. B. No. 189. AN ACT relating to the State Fire and Tornado Insurance Fund, and other insurance on state property.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. DEFINITIONS. As used in Chapter 56 of KRS, unless the context requires otherwise: (a) "Subject of Risk" means any or all property reasonably considered to be subject to loss or damage by any single occurrence of any event insured against.

(b) "Extended Coverage" means the perils of windstorm, hail, explosion, riot, riot attending a strike, civil commotion, aircraft, vehicles and smoke as used and defined in the Uniform Standard Form approved by the Division of Insurance as of the effective date of this Act.

(c) "Division of Insurance" means the "Division" or the "Department of Insurance."

Section 2. KRS 56.070 is hereby amended to read as follows:

"INSURANCE ON STATE PROPERTY. (1) No officer or agent of the state, and no person or agency of the state having control or custody of any buildings or other property belonging to or controlled or used by the state or any agency of the state shall pay out any state money for the purchase of insurance against loss to state property by fire or the perils included in Extended Coverage, or incur any indebtedness against the state for such insurance.

(2) Subsection (1) of this section does not apply to property financed under a statutory amortization plan which has not been completed, or to the reinsurance of state property under KRS 56.160. The Division of Insurance in the Department of Business Regulation shall insure with a responsible company or companies authorized to do business in Kentucky all property financed under a statutory amortization plan, to the extent of the lien indebtedness upon the property or to the extent of its reasonable value, whichever is the lesser.

(3) Any officer or agent of the state having control or custody of any property belonging to or controlled or used by the state or any agency of the state may, with the approval of the Commissioner of Finance and the Division of Insurance, from the funds allotted to such agency, purchase insurance of an additional kind or kinds which cannot properly be covered in the State Fire and Tornado Insurance Fund."

Section 3. KRS 56.090 is hereby amended to read as follows:

"RATE OF PREMIUM, HOW FIXED AND CERTIFIED. Before July 1 of each year the Division of Insurance shall fix, upon each public building and upon each class of personal property belonging to or controlled or used by the state or any agency of the state, the rate of premium that the Division of Insurance deems to be the average rate charged by responsible insurance companies doing business in this state for insurance against damage by fire and the perils included in Extended Coverage upon property of like kind and degree of risk. The premium and insurance shall be calculated upon ninety percent of the valuation. Before July 1 of each year the Division of Insurance shall certify to the State Treasurer the premium to be charged against each agency of the state."

Section 4. KRS 56.100 is hereby amended to read as follows:

"STATE FIRE AND TORNADO INSURANCE FUND; PAYMENTS INTO. Each fiscal year the State Treasurer shall deduct from any funds in his hands payable to an agency for the care and maintenance of public buildings or property, an amount

equal to the premiums certified to him as chargeable against that agency. The amount so debited shall be credited to an account kept by the State Treasurer and known as the State Fire and Tornado Insurance Fund. No premium shall be charged on any one subject of risk upon a valuation of more than $500,000 unless the Division of Insurance has contracted for reinsurance that limits the liability of the fund to $500,000 upon such subject of risk."

Section 5. KRS 56.110 is hereby amended to read as follows:

"DAMAGE TO STATE PROPERTY; HOW ASSESSED. In case any building or other property belonging to the state or a state agency is damaged by any of the perils insured against, except as herein otherwise provided, the agency having control or custody over the property shall within thirty days certify the event to the Division of Insurance. After receiving in any manner knowledge of the event, the Division of Insurance shall ascertain and fix the amount of damage and file with the State Treasurer a statement thereof. If the agency having control or custody of the property disagrees with the estimate of damage, the agency and the Division of Insurance shall each appoint one member of a board of appraisers, which two members shall select a third member. An award in writing, submitted by the board of appraisers to the State Treasurer, shall determine the amount of damage."

Section 6. KRS 56.120 is hereby amended to read as follows:

"PAYMENT FOR DAMAGES OCCURRING. When the amount of damage has been determined, the State Treasurer shall debit the account of the State Fire and Tornado Insurance Fund by that amount and credit with an equal amount the account of the agency that has control or custody of the property damaged, and upon warrant from the Department of Finance the Treasurer shall pay to the agency the amount so credited to it, for the purpose of repairing the damage or reconstructing or replacing the damaged property. No debit, credit, or payment made on account of the damage to any one subject of risk, by any one loss, shall be in excess of $500,000, unless the Division of

Insurance has effected reinsurance upon the subject of risk such as to limit the liability of the State Fire and Tornado Insurance Fund to $500,000, and unless the excess over this amount has actually been paid into the fund by the reinsuring company or companies."

Section 7. KRS 56.150 is hereby amended to read as follows:

"EXPENSES OF ADMINISTRATION. The Division of Insurance and the State Treasurer may employ such assistance and incur such expenses as are necessary to carry out the purposes of KRS 56.070 to 56.180, subject to approval in advance by the Department of Finance. All such expenses may be debited against the State Fire and Tornado Insurance Fund, and paid on warrant of the Department of Finance, but the total of such expenses during any fiscal year shall not exceed ten percent of the total receipts of the fund during the same fiscal year. If such expenses are incurred at a time when there is not a sufficient amount in the fund to pay them, they shall constitute a prior claim to be paid out of the first receipts of the fund thereafter before any damages on account of insured losses are paid.

Section 8. KRS 56.160 is hereby amended to read as follows:

"REINSURANCE. With the approval of the Department of Finance, the Division of Insurance may contract with any responsible fire and tornado insurance or reinsurance company authorized to do business in Kentucky to reinsure any subject of risk of which the total valuation has been fixed at over $500,000 in such a way as to limit the net liability of the State Fire and Tornado Insurance Fund with respect to such subject of risk to $500,000, and during any fiscal year in which the State Fire and Tornado Insurance Fund amounts to less than $2,000,000, the Division of Insurance, with the approval of the Department of Finance, may reinsure any subject of risk of which the total valuation has been fixed at over $200,000 in such a way as to limit the net liability of the State Fire and Tornado Insurance Fund with respect to such subject of risk to $200,000. The premium for reinsurance shall be paid out of the State Fire and Tornado Insurance Fund, on warrant of the Department of Finance."

S. B. No. 191. AN ACT amending Section 148.200 of the Kentucky Revised Statutes, relating to the Old State Capitol Park.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 148.200 of the Kentucky Revised Statutes is amended to read as follows:

The grounds of the Old State Capitol shall be maintained by the Division of Public Properties. The Division of Parks may give assistance to the Division of Public Properties by furnishing benches, tables or rest room facilities for the grounds or the Old State Capitol building.

S. B. No. 194. AN ACT relating to changes of name.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 401.010 of the Kentucky Revised Statutes is amended to read as follows:

Any unmarried person at least twenty-one years of age may have his name changed by the county court of the county in which he resides. Any married couple may likewise have their names changed upon their joint application, if the husband is at least twenty-one years of age.

S. B. No. 183. AN ACT relating to income taxation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1 Section 141.170 of the Kentucky Revised Statutes is amended to read as follows:

Extension of time for filing returns. The Department of Revenue may grant a reasonable extension of time for filing income returns whenever in its judgment good cause exists, and

shall keep a record of every such extension. Except in case of a taxpayer who is abroad, no extension shall be granted for more than six months, and in no case for more than one year. If the time for filing a return is deferred, the taxpayer shall pay, as part of the tax, an amount equal to six percent per annum on the tax ultimately assessed from the time the return was due until it is actually filed in the office of the department.

SECTION 2 Section 141.220 of the Kentucky Revised Statutes is amended to read as follows:

Payment of tax; when due; payment in installments. The full amount of the tax payable by any taxpayer, as appears from the face of the return, shall be paid to the Department of Revenue at the time fixed for filing returns, except that any taxpayer may defer payment of one-third of the amount shown by the return to be due until the fifteenth day of the seventh month following the end of the taxable year and an additional one-third until the fifteenth day of the eleventh month following the end of the taxable year. Such deferred payments shall not be subject to any interest charge, if the payments are received within the times specified. If any installment is not paid when due the full amount of the taxpayer's liability becomes due and payable on the date the installment becomes delinquent.

SECTION 3 Section 141.990 of the Kentucky Revised Statutes is hereby repealed.

SECTION 4 Penalties and interest. (1) If any taxpayer fails or refuses to file a return or furnish any information requested in writing by the department, the department may make an estimate of the net income or adjusted net income from any information in its possession, assess the tax at not more than twice the amount estimated to be due and add a penalty of twenty-five percent of the amount of any deficiency tax assessed concerning such failure or refusal to file a return or furnish any information. This penalty is in addition to all other applicable penalties in this section.

(2) If any taxpayer fails to make and file a return required by this chapter on or before the due date of the return or the due date as extended by the department, then, unless it is shown to the satisfaction of the department that the failure is due to rea-

sonable cause, five percent of the tax found to be due by the department, shall be added to the tax for each thirty days or fraction thereof elapsing between the due date of the return and the date on which filed, but the total penalty shall not exceed twenty-five percent of the tax.

(3) If any part of any deficiency is due to negligence, or intentional disregard of rules and regulations but without intent to defraud, five percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this section shall apply.

(4) If any part of any deficiency is due to fraud with intent to evade tax, fifty percent of the total amount of the deficiency, in addition to the deficiency and other penalties provided in this section shall apply.

(5) Any penalty imposed by subsections (1), (2), (3), and (4) of this section shall be assessed, collected, and paid in the same manner as if it were a deficiency.

(6) In addition to the penalties herein prescribed any taxpayer who wilfully fails to make a return or wilfully makes a false return, with an intent to evade the tax, or a part thereof, imposed by this act, shall upon conviction thereof be fined not less than five hundred dollars nor more than five thousand dollars, or imprisoned for not less than six months nor more than five years, or both.

(7) If the tax imposed by this chapter, whether assessed, by the department, or the taxpayer, or any installment or portion of the tax is not paid on or before the date prescribed for its payment, there shall be collected, as a part of the tax, interest upon the unpaid amount at the rate of six percent per annum from the date prescribed for its payment until payment is actually made to the department. If any assessment made by the department is not paid within the time prescribed, or a protest filed in accordance with KRS 131.110, the taxpayer shall pay as a penalty, in addition to the amount of the tax and other applicable penalties, one percent of the tax for each month the tax remains unpaid.

(8) Every tax imposed by this chapter, and all increases, interest and penalties thereon, shall become, from the time it is

due and payable, a personal debt to the state from the person liable therefor.

SECTION 5 Whereas the present income tax penalty system is inequitable and causes undue administrative difficulty and whereas returns will soon be due for another taxable year, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

S. B. No. 201. AN ACT relating to implied warranties concerning the soundness or condition or suitability for use of certain articles of food or drink, and the service of process in actions based upon such warranties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. No owner, operator or keeper of a retail store or food or meat market shall be held to have impliedly warranted the soundness or condition or suitability for use of any article of food or drink for a man or domestic animal which is sold by said owner, operator or keeper in the original container, can, box, bottle or other type of container in which it was received by said retailer from a manufacturer, processor or wholesaler and which original container is of such sort and so sealed, stoppered, fastened or inclosed as to make it impracticable to be opened for examination of the contents thereof by the retailer. None of the provisions of KRS 361.150 shall be construed to create an implied warranty in any such case, it being the intention of the General Assembly that KRS 361.150 shall not apply in any such case.

Sec. 2. Any broker or manufacturer's representative handling articles of food or drink shall be held to have impliedly warranted the soundness or condition or suitability for use of any article of food or drink for a man or domestic animal which is sold or distributed by said broker or manufacturer's representative in the original container, can, box, bottle or other type of container in which it was delivered from the manufacturer or processor and which original container is of such sort and so sealed, stoppered, fastened or inclosed as to make it impracti-

cable to be opened by the retailer for examination of the contents. The manufacturer or processor of such articles shall likewise be held to have impliedly warranted the soundness or condition or suitability for use of any such articles. In any action based upon such an implied warranty, against a manufacturer or processor, service of process may be made upon any broker or manufacturer's representative who represents such "manufacturer or processor in this state, and if such manufacturer or processor does not have such representative or agent within this state for the purpose of the service of process, such process may be made upon the Secretary of State in the same manner as is now provided for the service of process in other civil actions under the provisions of the Civil Code of Practice.

Sec. 3. Any manufacturer or processor selling merchandise or products in the Commonwealth of Kentucky shall designate a broker or agent or the Secretary of State of the Commonwealth as his process agent, and shall file such designation with the Secretary of State of the Commonwealth of Kentucky, and if he has no resident agent or broker in the Commonwealth of Kentucky and is required to designate a process agent, he shall pay with the filing of such designation to the Treasurer of the Commonwealth of Kentucky to the General Fund, the same amount that is required by law for the designation of a corporate process agent.

Sec. 4. The venue of any actions arising under this Act shall be either in the county where the products or merchandise were purchased or in the county where the person aggrieved resides."

Ordered that said bills be printed and referred to the Committee on Rules.

The message which was received from the Senate also announced that they had passed bills which originated in this body of the following titles, viz:

H. B. No. 22. AN ACT relating to the meetings of boards of commissioners in cities operated under the City Manager form of government, amending Section 89.550 of the Kentucky Revised Statutes.

H. B. No. 95. AN ACT relating to penalties for violation of laws concerning pharmacists, amending Section 315.990 of the Kentucky Revised Statutes.

H. B. No. 148. AN ACT amending Sections 176.260 and 176.270 of the Kentucky Revised Statutes relating to the fiscal year for the Department of Highways and the State Road Fund, thereby permanently changing the fiscal year and extending each fiscal year in order to effect the change; and appropriating additional monies for the extended periods to the State Road Fund; appropriating additional monies for the extended periods from the State Road Fund to the Department of Highways, the Division of Rural Highways, and the Department of State Police; and further appropriating additional monies for the year 1950-51 from the State Road Fund to the Agricultural and Industrial Development Board.

H. B. No. 162. AN ACT relating to agricultural seeds; making provisions for the production, supplying, furnishing and distribution of seed stocks or foundation seeds, and including provisions for appropriation of funds therefor.

H. B. No. 177. AN ACT relating to cities of the second class.

H. B. No. 183. AN ACT changing the classification of the City of Martin, in Floyd County, and declaring an emergency.

H. B. No. 213. AN ACT to protect the blind and incapacitated pedestrians on public streets and highways; requiring vehicles to come to a full stop in certain cases; restricting the use of certain colored canes by other pedestrians; and imposing penalties.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

Mr. Bean moved that the rules be suspended and Miss Sandra Lord be made an Honorary Page for the 1950 Regular Session.

Said motion was unanimously agreed to.

Mr. Deering moved that the rules be suspended and the privilege of the floor extended to Messrs. J. P. Glascok, Owen Purddy and Don Campbell.

Said motion was unanimously agreed to.

Dr. Palmore moved that the rules be suspended and the privilege of the floor extended to Mr. Edwin Payton.

Said motion was unanimously agreed to.

Mr. Taylor moved that the rules be suspended and the privilege of the floor extended to Mrs. W. R. Gunman and Mrs. Ray Goff, of Greensburg, Kentucky, and Mrs. R. L. Campbell, of Campbellsville, Kentucky.

Said motion was unanimously agreed to.

Mr. Bean moved that the rules be suspended and Mrs. Mary Elizabeth Lord and Mr. Arthur R. Cooper.

Said motion was unanimously agreed to.

Mr. Hubbard moved that the rules be suspended and the privilege of the floor extended to Dean Elvis Stahr, Jr. and Mr. Hambleton Tapp.

Said motion was unanimously agreed to.

Mrs. Stovall moved that the rules be suspended and the privilege of the floor extended to Mr. Leo F. Lucas.

Said motion was unanimously agreed to.

Mr. Combs moved that the rules be suspended and the privilege of the floor extended to Mr. Jack Early.

Said motion was unanimously agreed to.

Mr. Hammons moved that the rules be suspended and the privilege of the floor extended to Messrs. James Pursifull and Wm. G. Martin.

Said motion was unanimously agreed to.

Mr. William L. Jones moved that the rules be suspended and the privilege of the floor extended to Mr. Johnson.

Said motion was unanimously agreed to.

Mr. William moved that the rules be suspended and the privilege of the floor extended to Mr. Walter Ball.

Said motion was unanimously agreed to.

Mr. Webb moved that the rules be suspended and the privilege of the floor extended to Miss Audrey Maupin.

Said motion was unanimously agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 135. AN ACT relating to report filing, date, method of payment and penalties pertaining to taxes on gasoline and other motor fuels.

H. B. No. 137. AN ACT relating to revenue and taxation of amusement admissions; amending Section 138.030 Kentucky Revised Statutes.

H. B. No. 138. AN ACT relating to the condemnation of property for road and bridge purposes and related purposes by the Commonwealth for the use and benefit of the Department of Highways, and providing alternative methods therefor, and repealing KRS 177.080, 177.090, and 177.100.

H. B. No. 136. AN ACT relating to Revenue and Taxation; repealing Section 138.356 Kentucky Revised Statutes.

H. B. No. 139. AN ACT relating to the condemnation of property for road and bridge purposes and other related purposes by the Commonwealth of Kentucky for the use and benefit of the Department of Highways, and by counties and municipalities therein, amending Section 416.115 of the Kentucky Revised Statutes by providing for an additional procedure or alternative method of condemnation.

H. B. No. 140. AN ACT relating to the escheat of funds represented by unclaimed pari-mutuel winning tickets.

H. B. No. 141. AN ACT relating to revenue and taxation of Public Utility Gross Receipts; amending Section 136.250 Kentucky Revised Statutes.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said bills into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

Mr. Preston sent to the Clerk's desk the following petition, viz:

WHEREAS, it has been demonstrated that the Common Schools of Kentucky are in a dangerous and precarious position from which the Legislature, and only the Legislature of the Commonwealth of Kentucky can extricate them; and

WHEREAS, the lack of funds may cause the closing of many schools throughout the Commonwealth and the possible withdrawal of teachers of other states or fields of endeavor because of the inadequacy and failure of the Governor to suggest, or the Legislature to provide sufficient funds or revenue whereby they can be paid a decent, living American wage, commensurate with their education and the degree of responsibility put upon them to educate our youth—the future citizens and leaders of this Commonwealth, our Nation and of the World and upon whom we must depend; and

WHEREAS, there is at the present time, according to best reports available, over $26,000,000.00 in the State Property and

State Buildings Commission fund and in the Unencumbered Surplus, which is a sufficient amount to carry out the complete K.E.A. program, which is necessary for the proper continuation of our school system in Kentucky; and

WHEREAS, both the Democratic and Republican parties, in their campaigns of 1947, adopted platforms and the candidates for state office pledged themselves to carry out the K.E.A. program in full; and

WHEREAS, the people of the Commonwealth of Kentucky, by its overwhelming vote in the regular November, 1949 election, issued a direct, positive and unmistaken mandate to the Governor of the Commonwealth of Kentucky and the General Assembly to increase the equalization fund up to the maximum of 25% of the common school fund,

NOW, THEREFORE, THIS HOUSE OF REPRESENTATIVES IN REGULAR SESSION ASSEMBLED DOES HEREBY PETITION THE HON. EARLE C. CLEMENTS, GOVERNOR OF THE COMMONWEALTH OF KENTUCKY, HON. ADRON C. DORAN, FORMER PRESIDENT OF THE K.E.A. AND PRESENT SPEAKER OF THE HOUSE OF REPRESENTATIVES, and their selected and appointed Rules Committee of the House of Representatives and of the House of Representatives itself, as follows:

1. To report out for consideration and vote of the House of Representatives, immediately and without fail, an appropriation bill or measure which will provide:

(a) A minimum of $3,000,000.00 additional for each year of the next biennium for equalization and transportation to be distributed among those counties and districts authorized to receive same by law;

(b) An amount sufficient to carry out the K.E.A. program which sums appropriated shall be distributed among the 120 counties on a per capita pupil basis, so that each and every county in the Commonwealth of Kentucky will derive a measure of benefit therefrom so that the educational facilities of the chil-

dren in our common schools can be fully protected and adequately provided for.

2. Because of the urgency of this matter, and because this Legislature has only 14 legislative days, exclusively of today, to remain in session (several of those days of which the Legislature may not even be in session), and because of the dire needs of our common schools, those petitioned are hereby requested to give this matter immediate attention and preference over and above any and all other measures and that a report be made back to this House of Representatives within 48 hours of their intentions.

Mr. Preston moved that the House do now adopt said petition.

The yeas and nays being required thereon by Mr. Waterfield and Mr. Preston were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	Maurice G. Howard	LeRoy Saylor
John D. Beatty	Barkley Jones	James S. Shaw
L. E. Bradley	A. L. (Chick) Love	Roy Steers
Thomas L. Britton	Damon Majors	W. R. Stringer
Stanley Carter	John Martin	Egbert V. Taylor
B. H. Crider	Jack McPherron	Ralph N. Walter
R. C. Estepp, Sr.	Emmett G. Moore	Harry Lee Waterfield
Henry C. Hale	Dr. C. E. Palmore	Lyle H. Webb
C. A. Hammons	Leonard W. Preston	Morris Weintraub
Harold G. Helm	Dr. Roy Sanders	Charles W. Wirsch

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Those who voted in the negative were—

Sidney Baer	Alex Calvert	E. R. Hilton
Clarence J. Barnum	Paul Combs	Ray Holbrook
C. E. Baumgardner	R. Josh Cosby	Woodrow W. Hollan
Leonard T. Bean	Owen Deering	Chester J. Holsclaw
Fred Beshear	G. I. Drury	W. M. Horn
R. O. Blevins	Thomas R. Duncan	Richard R. Houpt
Edward O. Bridgers	James P. Hanratty	Durham W. Howard
Charles J. Bronston	George F. Harris	Robert N. Hubbard
J. D. Buckman, Jr.	Paul E. Hayes	Silas Jacobs
Charles W. Burnley	William K. Henry	Paul S. Jonas

William Jones	C. S. Nabb	Forest Smith
Mrs. J. T. Linton	James H. Polsgrove	Joseph T. Snapp
Harry K. Lowman	Hobart Rayburn	Raymond D. Stigall
William T. Marshall	W. R. Reasor	Mrs. Thelma Stovall
G. Lee McClain	Amos Runyan	Rev. T. H. Tinsley
Walter R. Moorman	Paul E. Shannon	Fred M. Warns
Fred H. Morgan	Gus Sheehan, Jr.	G. F. Williamson

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Thereupon said motion was disagreed to.

Mr. Cosby offered the following resolution, viz:

H. Res. No. 62. A CONCURRENT RESOLUTION extending congratulations and recognition to the Eastern Kentucky State College basketball team for winning the annual Ohio Valley Conference Tournament.

WHEREAS, it is a generally recognized fact that the Ohio Valley Basket Ball Conference is one of the most highly competitive conferences in the country, and

WHEREAS, this Conference includes great teams from the States of Kentucky, Tennessee, West Virginia and Indiana, and

WHEREAS, many of these teams have been recognized as national basketball powers for many years, and

WHEREAS, one of the members of the Ohio Valley Conference is the formidable and highly-regarded Western Kentucky State College Hilltoppers;

NOW, THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE COMMONWEALTH OF KENTUCKY, THE SENATE CONCURRING THEREIN:

That we, the General Assembly of the Commonwealth of Kentucky, extend heartiest congratulations and well-merited recognition to the Eastern Kentucky State College basketball team, popularly known as the Maroons, for their splendid accomplishment of winning the annual Ohio Valley Conference

Tournament by decisively defeating the Western Kentucky State College Hilltoppers in the final game.

Said resolution was adopted.

Mr. Weintraub offered the following resolution, viz:

H. Res. No. 63. WHEREAS, the Speaker of this House of Representatives, has, appointed 31 members of this House of Representatives to the Rules Committee; and

WHEREAS, said Rules Committee will meet daily, or at such other times as suits its convenience and purpose and will undertake to report bills out for the consideration of the membership of this House of Representatives; and

WHEREAS, it is desirous for the purpose of each member being fully acquainted with which bills are to be reported out of the Rules Committee in sufficient time so that each member can fully acquaint himself or herself with the contents thereof in order that said bill may be fully understood and intelligently discussed;

NOW, THEREFORE, THE HOUSE OF REPRESENTATIVES DOES HEREBY RESOLVE AS FOLLOWS:

1. That they report out at least one legislative day in advance on which this House of Representative is in actual session the bills which are to be considered on the following day, and that no bill not so reported out by the Rules Committee will be considered as ready for passage until at least one legislative day has passed;

2. That in order to carry out the intention of this Petition, the Rules Committee cause to be typewritten or printed sufficient copies containing a full and complete list of the bills reported out by it, and consecutively numbered, and that said copies be delivered to the members of the House at least the said one legislative day in adavnce, and that no bill be considered out of the order in which it is set forth on said list made up by the Rules Committee.

Mr. Weintraub moved that the House do now adopt said resolution.

The Speaker ruled that because of the contents of said resolution, the same was

Ordered referred to the Committee on Rules.

Bills of the following titles were introduced, viz:

By Mr. Baer.

H. B. No. 431. AN ACT concerning the issuance of bonds for the benefit of Municipal Universities and the requirements thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The statute concerning the issuance of bonds for the benefit of Municipal Universities and the requirements thereof, as set out in KRS 165.080, is hereby repealed and re-enacted and as so enacted shall read:

The board of aldermen of any city of the first class may adopt an ordinance submitting to the voters of the city at any regular election held in the city the question of whether or not bonds of the city shall be issued for the benefit of the municipal university. Authorization of the bond issue and submission of the question to the voters may be by one ordinance and at one election covering the entire amount of the bonds or it may be by different ordinances authorizing different elections at different times for parts of the total amount. The ordinance shall provide the date and maturity of the bonds, the rate of interest they shall bear and the total amount to be then issued, and shall contain the necessary details with reference to the execution and delivery of the bonds, their denominations, coupons to be attached, and taxes to be levied to pay interest and to create a sinking fund to retire the bonds at maturity. A failure of the voters at one election to authorize a bond issue shall not pre-

vent submission of the question of issuing bonds at subsequent elections.

By Mr. Cosby.

H. B. No. 432. AN ACT relating to revenue and taxation.

Said bill is as follows, viz:

WHEREAS, nonresidents of the Commonwealth of Kentucky and corporations which do not have their principal places of business in the Commonwealth of Kentucky have failed to pay taxes to the Commonwealth of Kentucky commensurate with those imposed upon residents of the Commonwealth of Kentucky; and,

WHEREAS, nonresidents of the Commonwealth of Kentucky and corporations which do not have their principal place of business in the Commonwealth of Kentucky have thereby obtained an unfair and unconscionable advantage over residents of the Commonwealth of Kentucky in the supplying of labor, services, supplies, material, equipment, goods and merchandise to the Commonwealth of Kentucky and subdivisions, institutions and agencies thereof; and,

WHEREAS, the General Assembly has found it necessary and desirable to equalize the tax burden upon residents and nonresidents and, further, to increase the revenues of the Commonwealth of Kentucky by effecting such equalization;

NOW, THEREFORE;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Each nonresident of the Commonwealth of Kentucky and each corporation which does not have its principal place of business in the Commonwealth of Kentucky shall pay a tax of five (5%) per cent of the purchase price of all labor, services, supplies, material, equipment, goods and merchandise sold to the Commonwealth of Kentucky or any political sub-

division thereof or any institution or agency of the Commonwealth of Kentucky or a subdivision of the Commonwealth.

Section 2. The tax provided for by this chapter shall be collected by a withholding of the amount of the tax from the purchase price of any labor, services, supplies, material, equipment, goods and merchandise. The Commonwealth of Kentucky or any political subdivision or any institution or agency of the Commonwealth or subdivision of the Commonwealth shall remit the tax thus withheld to the Treasurer of Kentucky, and the tax shall become and be a part of the general funds of the Commonwealth.

Section 3. Any person, partnership, corporation or business entity subject to the tax provided by this chapter shall have the right to exclude from its gross income, as such is defined in KRS 141.010 et seq., all funds which have been subjected to a tax pursuant to this chapter.

Section 4. Neither labor, services, supplies, material, equipment, goods and merchandise nor the purchase price thereof shall be subject to the taxes imposed by KRS 132.010 et seq. if such shall have been subjected to or shall become subject to the taxes imposed by this chapter.

Section 5. The word resident as used herein shall mean any person who has had his actual or habitual place of abode in the Commonwealth of Kentucky for at least one year preceding the date of filing of a bid or offer of sale with the Commonwealth of Kentucky or any political subdivision thereof or any institution or agency of the Commonwealth or a subdivision of the Commonwealth.

By Mr. Holbrook.

H. B. No. 433. AN ACT changing the classification of the City of Salyersville, in Magoffin County, and declaring an emergency.

Said bill is as follows, viz:

WHEREAS, satisfactory information has been presented to the General Assembly that the population of the City of Salyersville, in Magoffin County, is such as to justify its being assigned to the fourth class of cities;

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The City of Salyersville, in Magoffin County, is transferred from the fifth class to the fourth class of cities.

Sec. 2. WHEREAS, the reclassification of the City of Salyersville is necessary to enable the city to finance needed improvements of its streets and sewers, all of which are essential to the public health and welfare of the state, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Reasor.

H. B. No. 434. AN ACT relating to motor trucks, semitrailer trucks, and to trailers operating with permits, establishing and regulating the maximum height, length, width, and weight thereof, and authorizing the Commissioner of Highways to designate classifications of highways for the purpose of regulating said maximum dimensions and weight, and providing for the enforcement of regulations with regard thereto by the assessment of fines and other penalties and by the appointment of weightmasters having the authority of peace officers, and repealing KRS 189.180, 189.220, 189.225, 189.235, 189.240, and 189.250, and amending KRS 189.990 (2), and for other purposes related thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 189.180, 189.220, 189.225, 189.235, 189.240, and 189.250 of the 1948 Edition of the Kentucky Revised Statutes, are hereby repealed, and new sections are hereby created, to be numbered and read as follows:

SECTION 1. Unless the context clearly requires otherwise, the words and phrases used in this Act shall have the same meaning ascribed to them in KRS 189.010.

SECTION 2. KRS 189.221. No person shall operate on any highway except such highways as may be designated by the Commissioner of Highways under the provisions of this Act, any of the following vehicles:

(1) Any motor truck or semi-trailer truck which exceeds 11½ feet in height or 96 inches in width, including any part of the body or load;

(2) Any motor truck, except a semi-trailer truck, which exceeds 26½ feet in length, including any part of the body or load;

(3) Any semi-trailer truck which exceeds 30 feet in length, including any part of the body or load;

(4) Any truck or semi-trailer truck which exceeds 18,000 pounds gross weight, including load, or 600 pounds per inch of the combined width of the tires upon which such vehicle may be propelled.

SECTION 3. KRS 189.222. The Commissioner of Highways, in respect to highways which are a part of the state-maintained system, by official order, may increase on designated highways or portions thereof, the maximum height, length and gross weight prescribed in the preceding section, if in the opinion of said Commissioner, the increased height, length and weight designated by him is justified by the strength, safety and durability of the designated highways, and said highways do not appear susceptible to unreasonable and unusual damage by reason of such increases; and said Commissioner is authorized to establish reasonable classifications of such roads and to fix a different maximum for each classification. However, in no event shall any motor truck or semi-trailer truck, including any part of the body or load, exceed the following dimensions and weights:

(1) Height, 12½ feet,

(2) Length, semi-trailers, 45 feet; motor trucks, 35 feet,

(3) Weight, 18,000 pounds per single axle, with axles less than 42 inches apart to be considered as a single axle.

(4) 600 pounds per inch of aggregate width of all tires;

(5) Gross weight, 42,000 pounds.

SECTION 4. KRS 189.223. Any peace officer having reason to believe that the height, length, width, or weight of any motor truck, semi-trailer truck, or trailer, is in excess of the maximum limits prescribed by this Act or permitted by any special permit issued under KRS 189.270 and in the possession of the operator, may measure it or weigh it either by portable or stationary scales, and may require it to be driven to the nearest scales, if such scales are within a distance of five miles from the point at which the vehicle is first directed to stop. If the officer shall determine that the operation of the motor truck, semi-trailer, or trailer, was unlawful, he shall require the operator of said motor truck, semi-trailer truck, or trailer to unload such portion of the load as may be necessary to decrease the gross weight of the vehicle to the maximum gross weight permitted under the terms of this Act or of KRS 189.270, or he may, at the election of the operator, permit the operator to move the vehicle with its load to the nearest city or nearest court having jurisdiction, at which place the excess load shall be unloaded. The excess load shall be unloaded at the sole risk of the owner. The refusal of the operator to permit his motor truck, semi-trailer truck, or trailer to be measured or weighed, or to proceed to a scales, or to unload the excess load, shall constitute a violation of this Act.

SECTION 5. KRS 189.234. It is unlawful for the owner, or any other person, employing or otherwise directing the operator of any vehicle, to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

SECTION 6. KRS 189.226. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of, any act declared by KRS 189.221 through KRS 189.228 to be a crime, whether individually or in connection with one or more other persons or as a principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, assists, or directs another to violate any provision of this Act is likewise guilty of such offense.

SECTION 7. KRS 189.227. The Department of Highways may take such actions, and prescribe and promulgate such rules and regulations, as are necessary and proper to carry out the purposes of this Act, including, but not limited to, the erection, establishment, and maintenance of permanent or portable scales. Said Department is also authorized to employ weighmasters and such other employes as may be necessary to operate any scales erected or established, and said weighmasters shall have the authority of peace officers for the purpose of enforcing this Act, and other statutes relating to motor vehicles, and for no other purpose. No previous period of residence within the county where he is to serve shall be required of any peace officer appointed under this section.

SECTION 8. KRS 189.228. For the purposes of this Act, proof of the registration of any vehicle in the name of any person, shall be prima facie evidence of ownership of said vehicle by the person in whose name it is registered, and each violation by an owner, whether or not with the same vehicle, shall constitute a separate offense by that owner.

SECTION 9. KRS 189.990, Subsection 2, is amended to read as follows: Penalties.

Any person who violates the weight provisions of KRS 189.221 or KRS 189.222 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount equal to two cents per pound for each pound of excess load when the excess is 2,000 pounds or less, three cents per pound when the excess exceeds 2,000 pounds and is 3,000 pounds or less, five cents per pound when the excess exceeds 3,000 pounds and is 4,000 pounds or less, seven cents per pound when the excess exceeds 4,000 pounds and is 5,000 pounds or less, and nine cents per pound when the excess exceeds 5,000 pounds but in no case to exceed $500.00.

Any person who violates any provision of the Kentucky Revised Statutes, Sections 189.050, Subsections 3 and 4, 18.090, Subsection 4, 189.221 to 189.230, 189.270, 189.280, 189.390, Subsection 3, or 189.490, for which another penalty is not spe-

cifically provided, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding $500.00.

Nothing herein shall be deemed to prejudice or affect the authority of the Division of Motor Transportation to suspend or revoke certificates of common carriers, permits of contract carriers, or drivers' or chauffeurs' licenses, for any violation of this or any other Act applicable to motor vehicles, as provided by law.

By Mr. Crider.

H. B. No. 435. AN ACT to promote the peace, Safety and Happiness of the people by prohibiting the manufacture and sale, transportation into, out of, or across any part of Kentucky of any intoxicating liquor for beverage purposes, whether it be called whiskey, wine, beer or by any other name; to prohibit the issuance of any license for the same by the Commonwealth or any of its organizations, officers or agents; to make any violation of this Act a misdemeanor and to provide punishments for the same; and to repeal all laws in conflict with this.

Said bill is as follows, viz:

WHEREAS, the Constitution of the Comonwealth of Kentucky was instituted for the peace, safety and happiness of the people; and

WHEREAS, our Constitution urges that all laws apply to all parts of the State, uniformly as far as possible; and

WHEREAS, State-wide prohibition laws of our Commonwealth now prohibits dueling, carrying of concealed weapons, bigamy, polygamy, libel, obtaining money by false pretense, bribery, perjury, murder, mayhem, monopolies, breach of trust, white slavery, slavery, the opium traffic, traffic in narcotics, impure foods and drugs and many other evils; and

WHEREAS, the intoxicating liquor traffic is hurtful to the peace, safety and prosperity of the people;

NOW THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Be it Enacted by the General Assembly of the Commonwealth of Kentucky that hereafter, it shall be unlawful to manufacture, sell, transport into, out of, or across any part of Kentucky for delivery therein any intoxicating liquor for beverage purposes; whether it be whisky; wine, beer or called by any other name; that no license for doing the same shall be issued by the Commonwealth of Kentucky, or any of its organizations, officers or agents; and that all laws in conflict with this law are hereby repealed.

Sec. 2. Any person violating any part of this law shall be guilty of a misdemeanor; and upon conviction in court shall be fined for each offense not over $500.00 and not less than $50.00; or punished by imprisonment not exceeding one year; or by both fine and imprisonment in the discretion of the Court.

Sec. 3. This Act shall take effect November 1, 1950, the public welfare requiring it.

Ordered that said bills be printed and referred to the Committee on Rules.

A resolution of the following title was introduced, viz:

By Mr. Bill Adams.

H. Res. No. 64. A JOINT RESOLUTION authorizing George Jean Logan, an infant under twelve years of age, by his father and next friend, Chester Logan, to sue the Commonwealth of Kentucky and the Kentucky State Highway Department, or either.

Said resolution is as follows, viz:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

George Jean Logan, an infant under twelve years of age, by his father and next friend, Chester Logan, is authorized to sue the Commonwealth of Kentucky and the Kentucky State

Highway Department, or either, in the Letcher Circuit Court, for damages resulting from personal injuries caused by the alleged negligent operation of a motor truck by an employe of the Commonwealth of Kentucky and the Kentucky State Highway Department while said employe was acting within the scope of his employment.

Said suit shall be for a sum not in excess of $10,000.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth of Kentucky herein, and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the State Road Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the circuit court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or the jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in the argument of the case to the jury.

Ordered that said resolution be printed and referred to the Committee on Rules.

REPORT OF COMMITTEE ON ENROLLMENT

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a bill of the following title, viz:

S. B. No. 7. AN ACT changing the classification of the City of Greensburg in Green County, and declaring an emergency.

Thereupon, all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House affixed his signature thereto.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

The Committee on Rules to which the same had previously been referred reported bills of the following titles, viz:

H. B. No. 241. AN ACT relating to expense accounts of State officers and employees.

H. B. No. 401. AN ACT relating to the reappraisal of property for ad valorem taxes in cities, counties and other districts.

H. B. No. 133. AN ACT relating to school districts.

H. B. No. 353. AN ACT relating to deferment of ad valorem taxes by taxpayers in certain instances.

S. B. No. 78. AN ACT relating to elections, including all the elections provided for by Chapter 89 of the Kentucky Revised Statutes.

H. B. No. 417. AN ACT relating to district detectives.

H. B. No. 87. AN ACT recognizing the rendered public service of the Commonwealth's War Veterans who served in a dual capacity for the sovereign United States and the sovereign Commonwealth of Kentucky and making provision for a State Bonus for veterans of World War I who served between April 6, 1917 and November 11, 1918 and of World War II who served between December 7, 1941, and September 2, 1945, and in case of deceased members, to their next of kin as herein defined; including provisions for the raising of funds with which to pay such bonus by means of a plan involving an annual drawing for prizes, contingent upon the skill of the participant, based upon the running and order of finish of the Kentucky Derby, by the holders or the agents of the holders of tickets or certificates upon the distribution of which an excise tax shall be levied; proposing an amendment to the Constitution to permit such plans, or a similar plan, to be executed; authorizing the issuance of revenue bonds or warrants against anticipated receipts or revenue from

such plan; and providing for the use of any receipts or revenues received in excess of the bonus requirements for the increasing of teachers salaries and old age assistance payments, improving the standards of the mental institutions, and otherwise for education, health, welfare, and public assistance; and exempting the Kentucky Derby Commission from the provisions of Section 436.360 of the Kentucky Revised Statutes.

H. B. No. 421. AN ACT relating to common schools with particular reference to entrance age requirements.

S. B. No. 173. AN ACT relating to officers and employes of cities of the second class operating under the commission form of government.

H. B. No. 3. AN ACT relating to Elections, with particular relation to the compensation of election officers.

H. B. No. 363. AN ACT relating to assistant county attorneys in counties containing a city of the second class, repealing Section 69.275 of the Kentucky Revised Statutes.

H. B. No. 309. AN ACT relating to the establishment of a new city in Campbell County, Kentucky, to embrace certain existing cities and unincorporated territory adjacent thereto, and including provisions concerning an independent school district to be embraced within such new city.

H. B. No. 59. AN ACT relating to the financial responsibility of owners and operators of motor vehicles.

H. B. No. 274. AN ACT relating to the powers of counties with respect to regulation of the construction, reconstruction, relocation, remodeling, repair and maintenance of buildings in unincorporated territory within the county.

H. B. No. 161. AN ACT relating to the equipment of rail track motor cars used or furnished by common carriers by railroad for transporting employes; providing for the extension of necessary time in which to equip said cars; and penalizing those carriers who operate or furnish for operation such unequipped

cars to their employes for transportation to or from their place or places of labor.

S. B. No. 98. AN ACT repealing and re-enacting Section 93.300, Kentucky Revised Statutes, relating to the apportionment of the cost of elimination of grade crossings between the railroad companies and cities of the first class.

H. B. No. 377. AN ACT concerning the imposition, collection, disposition of license taxes; restriction on ad valorem taxation; and the issuance and enforcement of licenses in cities of the first class.

H. B. No. 392. AN ACT relating to county and community fairs, amending Section 247.220 and repealing Section 247.230 of the Kentucky Revised Statutes and making an appropriation.

H. B. No. 155. AN ACT relating to telephone rates.

H. B. No. 254. AN ACT to provide that utility companies serving counties containing cities of the first class shall furnish to the County Tax Commissioner the names and addresses of their customers, including changes thereof.

H. B. No. 327. AN ACT relating to stenographic reporters for circuit courts.

With the expression of opinion that same should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

Mr. Burnley moved that the rules be suspended and the privilege of the floor extended to Mrs. Reasor.

Said motion was unanimously agreed to.

Mr. Morgan moved that the rules be suspended and the privilege of the floor extended to Mrs. Melvin Matlock.

Said motion was unanimously agreed to.

Mr. Durham W. Howard moved that the rules be suspended and the privilege of the floor extended to Miss Nelle Hall and Miss Elizabeth Doak.

Said motion was unanimously agreed to.

Mr. Morgan moved that the rules be suspended and the privilege of the floor extended to Mrs. D. T. Cooper and Mrs. Harry Powell.

Said motion was unanimously agreed to.

CALENDAR

The House took up for consideration from the Calendar bills and resolutions of the following titles, viz:

H. Res. No. 30. A RESOLUTION authorizing Elizabeth J. Crowe to sue the Commonwealth of Kentucky.

H. Res. No. 31. A RESOLUTION authorizing E. G. Crowe to sue the Commonwealth of Kentucky.

H. B. No. 258. AN ACT relating to motor transportation and motor vehicles.

With Committee amendments thereto.

H. B. No. 314. AN ACT changing the classification of the City of Falmouth, in Pendlton County.

H. B. No. 337. AN ACT changing the classification of the City of Augusta, in Bracken County.

S. B. No. 112. AN ACT relating to the ad valorem tax systems of the state, counties and cities.

H. B. No. 342. AN ACT to repeal, amend and re-enact Sections 342.070, 342.095, 342.100, 342.110, Kentucky Revised Statutes, relating to Workmen's Compensation.

H. B. No. 379. AN ACT changing the classification of the City of Lebanon Junction, in Bullitt County.

H. B. No. 375. AN ACT relating to the speed of vehicles and providing penalties.

S. B. No. 89. AN ACT relating to permits to engage in the practice of public accounting; amending Sections 325.330 and 325.340 of the Kentucky Revised Statutes.

H. B. No. 371. AN ACT relating to timberland assessments.

H. B. No. 370. AN ACT relating to revenue and taxation.

H. B. No. 376. AN ACT relating to condemnation of property and interests in property for flood control, flood protection or drainage purposes.

H. B. No. 369. AN ACT amending Section 149.300 of the Kentucky Revised Statutes, relating to setting of fires near woodland areas, or brushland areas.

H. B. No. 383. AN ACT relating to payment of money to persons under a disability, amending Section 387.280 of the Kentucky Revised Statutes.

S. B. No. 51. AN ACT imposing a penalty for removing or altering serial numbers on farm equipment or machinery amending Section 433.640 of the Kentucky Revised Statutes.

H. B. No. 372. AN ACT relating to the jurisdiction of officers of the Department of Kentucky State Police.

H. B. No. 374. AN ACT regulating vehicles when overtaking or meeting a stopped school bus.

H. B. No. 373. AN ACT relating to impersonation of an officer, agent or employe of the Department of Kentucky State Police and providing a penalty therefor.

H. B. No. 398. AN ACT relating to and providing for the payment of Prior Year Claims against the State.

H. B. No. 366. AN ACT relating to Petty Cash Funds of State Budget Units.

H. B. No. 365. AN ACT relating to the examination of persons who are, or are alleged to be, insane or feebleminded.

H. B. No. 367. AN ACT relating to powers of attorney, repealing, amending and re-enacting Section 382.370, Kentucky Revised Statutes, and fixing a penalty for the violation thereof.

H. B. No. 368. AN ACT relating to city streets, viaducts and bridges, that constitute the route of connection between or extension of state roads in the state highway system, and, providing for the construction and maintenance of the same by the Commonwealth, and for the regulation of traffic thereon, and for penalties for violation of such regulations, and amending KRS 177.043 and KRS 177.046.

H. B. No. 382. AN ACT relating to warrants drawn on the State Treasurer.

H. B. No. 348. AN ACT relating to newspaper advertising required by law, amending Section 424.030 of the Kentucky Revised Statutes.

H. B. No. 350. AN ACT relating to carriers of passengers for hire by motor vehicle.

S. B. No. 118. AN ACT relating to drainage commissioners, boards, districts, and divisions.

H. B. No. 389. AN ACT relating to the training and certification of public school personnel.

H. B. No. 412. AN ACT amending Sections 262.030, 262.040, 262.070, 262.090, 262.095, 262.150, 262.200, 262.220 and 262.240 of the Kentucky Revised Statutes, relating to the State

Soil Conservation Committee and Soil Conservation Districts, and declaring an emergency to exist.

H. B. No. 396. AN ACT relating to the annexation or reduction of unincorporated territory by cities of the second class and repealing section 81.140, the Kentucky Revised Statutes.

S. B. No. 39. AN ACT relating to the meetings of boards of commissioners in cities operated under the City Manager form of government, amending Section 89.550 of the Kentucky Revised Statutes.

S. B. No. 38. AN ACT to levy upon and sale of real property for taxes in cities of the second class, amending Section 92.670 of the Kentucky Revised Statutes.

Ordered that said bills and resolutions to be read at length for the second time.

Mr. Hanratty moved that the Constitutional provision as to the second reading at length of said bills and resolutions be dispensed with, and same to be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and resolutions having been dispensed with, said bills and resolutions were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 239. AN ACT to amend and re-enact Section 334 Civil Code of Practice relating to exceptions and time for preparing and filing a bill of exceptions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. An exception to an adverse ruling by the court upon an objection will follow as a matter of course. Time may be given to prepare and tender a bill of exceptions or transcript of evidence beyond the term at which judgment is rendered to a day vacation or a day in but not beyond the succeeding term of court, in either case to be fixed by the court. When same is approved and signed by the then judge of the court and filed with the clerk in vacation, it shall have the same effect as if filed in term time.

2. The judge presiding when a motion is made for an extension of time or when a bill of exceptions or transcript of evidence is tendered, shall have the same authority in respect thereof as the judge who presided at the trial of the case.

3. If through no fault of the party tendering the same, or through unavoidable casualty or misfortune, a bill of exceptions or transcript of evidence shall not have been filed within the time provided in paragraph 1, the court, in its discretion, may, nevertheless, approve the same and order it filed; provided, however, it shall be done before the expiration of the time in which the record must be filed in the office of the clerk of the Court of Appeals, pursuant to Section 738. In such event, the same effect shall be given the record as if it had been filed in time.

Mr. Reasor moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	William K. Henry	Hobart Rayburn
Bill Adams	E. R. Hilton	W. R. Reasor
Edgar Arnett	Ray Holbrook	Carl J. Ruh
Sidney Baer	Woodrow W. Hollan	Amos Runyan
Clarence J. Barnum	Chester J. Holsclaw	Dr. Roy Sanders
C. E. Baumgardner	Richard R. Houpt	LeRoy Saylor
Fred Beshear	Durham W. Howard	Roy Searcy
Edward O. Bridgers	Maurice G. Howard	Paul E. Shannon
Thomas L. Britton	Silas Jacobs	James S. Shaw
Charles J. Bronston	Paul S. Jonas	Jesse H. Shelton
J. D. Buckman, Jr.	William Jones	Forest Smith
Charles W. Burnley	James W. Lambert	John M. Spaulding
Stanley Carter	Jesse H. Lawrence	Roy Steers
R. Josh Cosby	Mrs. J. T. Linton	Raymond D. Stigall
B. H. Crider	A. L. (Chick) Love	Mrs. Thelma Stovall
Owen Deering	Harry K. Lowman	W. R. Stringer
G. I. Drury	True Mackey	Egbert V. Taylor
Thomas R. Duncan	Damon Majors	M. G. Thompson
R. C. Estepp, Sr.	John Martin	Rev. T. H. Tinsley
Mitchell S. Fannin	William T. Marshall	Ralph N. Walter
Henry C. Hale	Jack McPherron	Fred M. Warns
C. A. Hammons	Emmett G. Moore	Harry Lee Waterfield
James P. Hanratty	Walter R. Moorman	Lyle H. Webb
George F. Harris	Fred H. Morgan	Morris Weintraub
Paul E. Hayes	C. S. Nabb	G. F. Williamson
John A. Head	James H. Polsgrove	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 271. AN ACT to establish a Water Pollution Control Commission and to control, prevent and abate pollution of the streams, lakes, ponds, and other surface or underground waters of the Commonwealth.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. DECLARATION OF POLICY. It is hereby declared to be the policy of this Commonwealth to conserve the waters of the Commonwealth for public water supplies, for the propagation of fish and aquatic life, for fowl, animal wild life and arborous growth, and for agricultural, industrial, recreational and other legitimate uses; to provide a comprehensive program in the public interest for the prevention, abatement and control of pollution; to provide effective means for the execution and enforcement of such program; and to provide for cooperation with agencies of other states or of the Federal Government in carrying out these objectives.

Section 2. STATEMENT OF PURPOSE. It is the purpose of this Act (a) to safeguard from pollution the uncontaminated waters of the Commonwealth; (b) to prevent the creation of any new pollution of the waters of the Commonwealth; and (c) to abate any pollution existing at the time of the adoption of this Act.

Section 3. DEFINITIONS. Unless otherwise required by the context, the following words and phrases shall have the meanings hereinafter respectively ascribed to them.

(a) "Commission" means the Water Pollution Control Commission which is hereby created.

(b) "Member" means a member of the Commission.

(c) "Person" or "Persons" means any individual, public or private corporation, political subdivision, government agency,

municipality, industry, co-partnership, association, firm, trust, estate, or other entity whatsoever.

(d) "Water" or "Waters of the Commonwealth" means and includes any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes and all other bodies of surface or underground water, natural or artificial, situated wholly or partly within or bordering upon the Commonwealth or within its jurisdiction.

(e) "Pollution" means the discharge or deposit of sewage, industrial wastes or other wastes in such condition, manner or quantity as may contaminate or contribute to the contamination of the waters of the Commonwealth detrimental to the public health or welfare, to animal or aquatic life or marine life, to the use of such waters as present or future sources of public water supply or to the use of such waters for recreational, commercial, industrial, agricultural or other legitimate purposes.

(f) "Sewage" means the water-carried human or animal wastes from residences, buildings, industrial establishments or other places together with such industrial wastes, underground, surface, storm or other water, as may be present.

(g) "Industrial Wastes" means liquid, or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resource.

(h) "Other Wastes" means sawdust, bark or other wood debris, garbage, refuse, ashes, offal, tar, oil, chemicals, acid drainage and all other foreign substances not included within the above definitions of industrial wastes and sewage which may cause or contribute to the pollution of any waters of the Commonwealth.

(i) "Establishment" means any industrial plant, mill, factory, tannery, paper or pulp mill, mine or mineral processing or producing facility, quarry, oil refinery, boat, vessel or other type of commercial, manufacturing or industrial works or facility in the operation of which sewage, industrial wastes or other wastes are produced.

(j) "Sewerage" or "Sewer System" means pipe lines or conduits, pumping stations and forcemaines and all other constructions, devices and appliances appurtenant thereto, used for conducting sewage, industrial wastes or other wastes to a point of ultimate disposal.

(k) "Treatment Works" means any disposal field, lagoon, pumping station, screen, settling tank, oxidation device, digestor, incinerator, sterilizer or area devoted to land fills or other works not specifically mentioned herein, installed for the purpose of treating, neutralizing, stabilizing, sterilizing or disposing of sewage, industrial wastes or other wastes.

(l) "Disposal System" means a system for disposing of sewage, industrial wastes, or other wastes, and includes sewer systems and treatment works.

(m) "Outlet" means the terminus of a sewer system or the point of emergence of any water-borne sewage, industrial waste, or other wastes or the effluent therefrom, into the waters of the Commonwealth.

Section 4. WATER POLLUTION CONTROL COMMISSION, CREATION, MEMBERSHIP, COMPENSATION, ORGANIZATION, MEETINGS. (a) For the purpose of carrying out the provisions of this Act, there is hereby created in the Department of Health a Water Pollution Control Commission.

(b) The Commission shall consist of the Commissioner of the Department of Health, the Commissioner of the Department of Conservation, the Attorney General, the Director of the Division of Game and Fish, and two (2) citizens of the Commonwealth to be appointed for terms of four (4) years each, by the Governor, one (1) of whom shall be selected from groups representative of industrial management, and one (1) from groups representative of municipalities. Vacancies shall be filled for the unexpired portion of any term in the same manner as an original appointment. Each of the officers of the Commonwealth hereby made a member of the Commission may, by written order filed with the Secretary of the Commission, designate

a deputy or other representative in his department to serve in his stead and to perform his duties as a member of the Commission in his absence. Such designations shall be deemed temporary only and shall not affect the merit system or retirement rights of any person so designated.

(c) No salary or other compensation shall be allowed any member of the Commission but each member may be reimbursed for actual and necessary expenses incurred in the performance of his official duties.

(d) At its first meeting following the approval of this Act, the Commission shall select one of its members to serve as chairman and at the first regular meeting in each calendar year thereafter, the Commission shall select a Chairman for the ensuing year. The Director of the Division of Sanitary Engineering of the Department of Health shall serve as technical Secretary and administrative agent of the Commission. During the interim between meetings, he shall perform in the name of the Commission such functions and duties and shall exercise such authority of the Commission as the Commission may by resolution delegate to him. The Commission may employ such technical, stenographic, clerical and other assistance as may be required in order to carry out the provisions of this Act, may define their powers and duties and may fix their compensation which shall be paid out of the treasury of the Commonwealth, out of appropriations available for that purpose, upon requisition of the Commission.

(e) Technical, scientific, legal or other services required by the Commission shall be performed, insofar as practicable, by personnel of the Department of Health, the Department of Conservation, the Division of Game and Fish and other state departments, without additional compensation, but the Commission may employ such other personnel as may be necessary to carry out the provisions of this Act. The Commission may request and receive the assistance of any state or municipal educational institution, experiment station, laboratory or other agency when it is deemed necessary or beneficial by the Commission to carry out the provisions of this Act. The Division of

Game and Fish is authorized, out of its receipts, to make contributions to the Commission for its program.

(f) The Commission shall hold regular meetings at least once in every two months, the time and place of which shall be determined by the Commission. Special meetings may be called by the Chairman or by two members of the Commission by delivery to the office of each member of the Commission a written notice thereof at least five (5) days in advance of the date of any such meeting. Three members of the Commission shall constitute a quorum at any meeting. The Commission shall establish by-laws for the conduct of its meetings and shall keep an accurate record of all of its proceedings.

Section 5. WATER POLLUTION CONTROL COMMISSION, AUTHORITY, POWERS AND DUTIES. The Water Pollution Control Commission shall have and be entitled to exercise the following authority, powers and duties:

(a) To exercise general supervision of the administration and enforcement of this Act and all rules and regulations and orders promulgated hereunder.

(b) To develop a comprehensive program for the prevention, control and abatement of water pollution throughout the Commonwealth.

(c) To advise, consult, and cooperate with other agencies of the Commonwealth, other states and the Federal Government and with affected groups and industries, in the formulation and carrying out of such a program; to accept and administer loans and grants from the Federal Government and from other sources for carrying out any of its functions.

(d) To encourage and conduct studies, investigations, research, experiments and demonstrations and to collect and disseminate information relating to water pollution and the prevention, control and abatement thereof.

(e) To establish, modify or amend, after public hearing, water quality standards for the waters of the Commonwealth according to their particular uses.

(f) To adopt, after hearing, such general rules and regulations pertaining to the prevention, abatement and control of existing or proposed pollution as the Commission may deem necessary to the accomplishment of the purposes of this Act.

(g) To adopt, without hearing, rules and regulations with respects to the procedural aspects of hearings, the filing of reports and orders, the issuance of permits and other matters.

(h) To issue, after hearing, orders abating discharges or requiring the adoption of such remedial measures, including the construction of new disposal systems or treatment works or the modification, extension or alteration of existing systems and works, as the Commission may deem necessary or proper; to receive complaints and make investigations in connection with the foregoing.

(i) To examine and pass upon all plans and specifications for, and to inspect the construction of new disposal systems and treatment works, extensions, modifications or additions to new or existing disposal systems or treatment works, and extensions and modifications or additions to factories, manufacturing establishments or business enterprises, the operation of which would cause an increase in the pollutional load of any waters of the Commonwealth.

(j) To issue, continue in effect, revoke, modify or deny, under such conditions as the Commission may prescribe, permits for the discharge or deposit of any sewage, industrial wastes or other wastes, into any waters of the Commonwealth, and for the installation and operation of disposal systems and treatment works.

(k) To make investigations or inspections which may be deemed necessary to insure compliance with any of the provisions of this Act or with any rules, regulations or orders of the Commission, or which may be deemed necessary to enable the Commission to carry into effect the provisions of this Act.

(l) To institute or cause to be instituted in a court of competent jurisdiction, proceedings to compel compliance with the provisions of this Act or with the orders of the Commission.

(m) To enter at any reasonable time, through any Commissioner, assistant, agent or employee, in or upon any public or private property for the purpose of inspecting and investigating conditions relating to pollution or possible pollution of any waters of the Commonwealth, which inspection or investigation will not involve confidential information relating to secret processes or to the economics of operation.

(n) To examine any records or memoranda relating to the operation of any disposal system or treatment works which examination does not involve confidential information relating to secret processes or to the economics of operation.

(o) To take all action necessary or appropriate to secure to the Commonwealth the benefits of the Federal Water Pollution Control Act (Public Law 845, 80th Congress; 62 Stat. 1155).

(p) To perform such other and further acts as may be necessary, proper or desirable in order to carry out effectively the duties and responsibilities of the Commission herein prescribed.

Section 6. STATE WATER POLLUTION AGENCY. The Water Pollution Control Commission hereby designated as water pollution agency for this State for all purposes of the Water Pollution Control Act, Public Law 845, 80th Congress (62 Stat. 1155) approved June 30, 1948, hereinafter called the Federal Act, is hereby authorized to take all action necessary or appropriate to secure to this State the benefits of that Act. In carrying out the purposes of this section, the Commission, in addition to any other action which may be necessary or appropriate, is authorized:

(a) To cooperate with the Surgeon General of the U. S. Public Health Service and other agencies of the Federal Government, other states, interstate agencies and other interested parties in all matters relating to water pollution, including the development of programs for eliminating or reducing pollution and improving the sanitary condition of waters.

(b) On behalf of this State to apply for and receive funds made available to the Commission under the aforesaid Federal

Act by any agency of the Federal Government: Provided, that all moneys received from any Federal agency as herein provided shall be paid into the State treasury and shall be expended, under the direction of the Commission, solely for the purpose or purposes for which the grant or grants shall have been made.

(c) To approve projects for which application for loans or grants under the Federal Act is made by any municipality (including any city, town, district or other public body created by or pursuant to the laws of this State and having jurisdiction over disposal of sewage, industrial wastes or other wastes) or agency of this State or by an interstate agency.

(d) To participate through its authorized representatives in proceedings under the Federal Act to recommend measures for abatement of water pollution originating in this State; to give consent on behalf of this State to requests by the Federal Security Administrator to the Attorney General of the United States for the bringing of suit for abatement of such pollution; and to consent to the joinder as a defendant in such suit of any person who is alleged to be discharging matter contributing to the pollution, abatement of which is sought in such suit.

Section 7. GENERAL PROHIBITION AGAINST POLLUTION AND AGAINST OTHER ACTS.

(a) It shall be unlawful for any person, directly or indirectly, to throw, drain, run or otherwise discharge into any of the waters of the Commonwealth, or to cause, permit or suffer to be thrown, drained, run or otherwise discharged into such waters any sewage, industrial wastes or other wastes that shall cause or contribute to the pollution of the waters of the Commonwealth in contravention of the standards of water quality adopted by the Commission or in contravention of any of the rules, regulations or orders of the Commission or in contravention of any of the provisions of this Act.

(b) No new outlet through which sewage, industrial wastes, or other wastes are or may be thrown, drained, run or otherwise discharged into the waters of the Commonwealth shall be made or constructed by any person or persons after the effective date of this Act without first obtaining a permit to construct

and use such outlet issued by the Commission pursuant to rules and regulations to be prescribed by it.

(c) It shall be unlawful for any person to construct or install a disposal system, to make any change in, addition to or extension of any existing disposal system, or to operate any such new or existing system so changed, added to, or extended without first obtaining from the Commission approval of the plans and specifications therefor and a written permit for its construction and operation.

(d) No extension, modification or addition to any establishment located within the Commonwealth, the operation of which might cause or tend to cause a substantial increase in the discharge of industrial wastes or other wastes into the waters of the Commonwealth shall be constructed without first obtaining from the Commission approval of the plans and specifications therefor and a written permit for its construction and operation.

(e) It shall be unlawful for any person who, at the time that this Act becomes effective, is discharging or permitting to be discharged into the waters of the Commonwealth any sewage, industrial wastes or other wastes to continue or to permit the continuance of such discharge from and after the expiration of a period of twelve (12) months after the effective date of this Act without first obtaining a permit therefor issued by the Commission pursuant to rules and regulations to be prescribed by it.

Section 8. HEARINGS. (a) Public hearings shall be conducted by the Commission prior to the adoption of any rules or regulations of general applicability which pertain to the prevention, abatement or control of water pollution, including the establishment of standards of water quality, or before the issuance by the Commission of any order prohibiting the performance by any person of any act or acts deemed to be in contravention of any rules, regulations, permits or orders of the Commission or in contravention of any provisions of this Act, or before the denial, revocation or modification of any permit provided for by this Act or before any other final determination is made by the Commission which directly affects the activities of any person or group.

(b) The Commission shall grant a hearing to any person not previously heard in connection with the issuance of any order or the making of any determination who may consider himself aggrieved by such order or determination and who shall file with the Commission a verified petition alleging that such order or determination is contrary to law or fact and is injurious to him, alleging the grounds and reasons therefor, and requesting a hearing thereon. At such hearing the petitioner may appear in person or by attorney, may present witnesses and may submit evidence and shall be given full opportunity to be heard upon the grounds and reasons for his complaint.

(c) The hearings herein provided for may be conducted by the Commission at a regular or special meeting thereof, or by any member or members designated by the Commission and authorized by it to conduct any such hearing in the name of the Commission at any time or place to be specified by it.

(d) At any such hearing any members of the Commission may administer oaths, examine witnesses and issue in the name of the Commission notices of hearings and subpoenas requiring the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearing.

(e) In the event of a refusal of any persons to obey a notice of hearing or a subpoena issued hereunder, the Circuit Court of the county in which the hearing is being held shall, upon application of the Commission, or of any member thereof, issue an order requiring such person to appear and testify or produce such evidence as the case may require and failure to obey such order of the court may be punished by said court as a contempt thereof.

(f) All orders or determinations of the Commission shall be subject to review by a court of competent jurisdiction.

Section 9. VIOLATIONS, PENALTIES. (a) Any person who violates any of the provisions of this Act or who fails to perform any duties imposed by this Act, or who violates any determination or order of the Commission promulgated pursuant to this Act shall be liable to a civil penalty of not to exceed the sum of One Thousand Dollars ($1,000.00) for said violation,

and an additional civil penalty of not to exceed One Thousand Dollars ($1,000.00) for each day during which such violation continues, and in addition, may be enjoined from continuing such violation as hereinafter provided. Such penalties shall be recoverable in an action brought in the name of the Commonwealth of Kentucky by the Attorney General.

(b) It shall be the duty of the Attorney General, upon the request of the Commission, to bring an action for the recovery of the penalties hereinabove provided for, and to bring an action for an injunction against any person violating or threatening to violate any provision of this Act or violating or threatening to violate any order or determination of the Commission promulgated pursuant to this Act. In any such action any finding of the Commission shall be prima facie evidence of the fact or facts found therein.

(c) Any person who shall willfully violate any of the provisions of this Act or any determination or order of the Commission promulgated pursuant to this Act which has become final shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ONE Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment for a term of not more than one (1) year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

Section 10. CONFLICTING LAWS. This Act shall not be construed as repealing any of the laws of the Commonwealth relating to the pollution of the waters thereof or any conservation laws, but shall be held and construed as ancillary and supplementary thereto, except to the extent that the same may be in direct conflict herewith.

Section 11. SEVERABILITY. If any provision of this Act, or its application to any person or circumstances, is held to be invalid such invalidity shall not affect any other provision or application hereof which can be given effect without the invalid application or provision and the provisions of this Act are declared to be severable.

Mr. Baer moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Owen Deering	W. M. Horn
Sidney Baer	G. I. Drury	Richard R. Houpt
Clarence J. Barnum	Thomas R. Duncan	Durham W. Howard
C. E. Baumgardner	R. C. Estepp, Sr.	Maurice G. Howard
John D. Beatty	Mitchell S. Fannin	Robert N. Hubbard
Fred Beshear	Henry C. Hale	Silas Jacobs
L. E. Bradley	James P. Hanratty	Paul S. Jonas
Edward O. Bridgers	George F. Harris	Barkley Jones
Thomas L. Britton	Paul E. Hayes	William Jones
Charles J. Bronston	John A. Head	Jesse H. Lawrence
J. D. Buckman, Jr.	Harold G. Helm	Mrs. J. T. Linton
Charles W. Burnley	William K. Henry	Homer E. Losey
Alex Calvert	E. R. Hilton	A. L. (Chick) Love
Stanley Carter	Ray Holbrook	Harry K. Lowman
R. Josh Cosby	Woodrow W. Hollan	True Mackey
B. H. Crider	Chester J. Holsclaw	Damon Majors

John Martin	Amos Runyan	Mrs. Thelma Stovall
William T. Marshall	Dr. Roy Sanders	W. R. Stringer
Jack McPherron	LeRoy Saylor	Egbert V. Taylor
Alton Mitchell	Roy Searcy	M. G. Thompson
Archie R. Moore	Paul E. Shannon	Rev. T. H. Tinsley
Emmett G. Moore	James S. Shaw	Ralph N. Walter
Walter R. Moorman	Jesse H. Shelton	Fred M. Warns
Fred H. Morgan	Forest Smith	Harry Lee Waterfield
C. S. Nabb	Joseph T. Snapp	Lyle H. Webb
James H. Polsgrove	John M. Spaulding	Morris Weintraub
Hobart Rayburn	J. Claude Stacy	G. F. Williamson
W. R. Reasor	Roy Steers	Charles W. Wirsch
Carl J. Ruh	Raymond D. Stigall	—87

Those who voted in the negative were—

Edgar Arnett	James W. Lambert	— 2

Resolved that the title thereof be as aforesaid.

Mr. Burnley moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 289. AN ACT relating to Advertisement for bids for the printing contracts for the first four classes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 57.070 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) The Department of Finance shall, between the first day of August and the first day of November, 1950, and within the same period every fourth year thereafter give notice, which

notice shall appear once each seven days for five consecutive publications in at least one newspaper of general circulation in each of the the cities of Frankfort, Louisville, Lexington, Ashland, and Paducah, Kentucky, and Cincinnati, Ohio, that sealed proposals will be received at the office of the Commissioner of Finance, for the first four classes of public printing and binding in separate contracts for the term of four years beginning with the first Monday in January, next ensuing, at a certain rate not to exceed the rates specified by law.

Mr. Reasor moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Fred Beshear	R. Josh Cosby
Edgar Arnett	Edward O. Bridgers	Owen Deering
Sidney Baer	J. D. Buckman, Jr.	G. I. Drury
Walter J. Bailey	Charles W. Burnley	Thomas R. Duncan
Clarence J. Barnum	Alex Calvert	Mitchell S. Fannin
C. E. Baumgardner	Paul Combs	James P. Hanratty

George F. Harris	Mrs. J. T. Linton	Amos Runyan
Paul E. Hayes	A. L. (Chick) Love	Dr. Roy Sanders
John A. Head	Harry K. Lowman	Paul E. Shannon
William K. Henry	True Mackey	Jesse H. Shelton
Ray Holbrook	Damon Majors	Joseph T. Snapp
Woodrow W. Hollan	William T. Marshall	John M. Spaulding
Chester J. Holsclaw	G. Lee McClain	Raymond D. Stigall
W. M. Horn	Jack McPherron	Mrs. Thelma Stovall
Richard R. Houpt	Walter R. Moorman	W. R. Stringer
Silas Jacobs	Fred H. Morgan	M. G. Thompson
Barkley Jones	C. S. Nabb	Rev. T. H. Tinsley
William Jones	W. R. Reasor	Fred M. Warns

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Those who voted in the negative were—

Bill Adams	Maurice G. Howard	J. Claude Stacy
John D. Beatty	Homer E. Losey	Roy Steers
Stanley Carter	Emmett G. Moore	Egbert V. Taylor
B. H. Crider	Leonard W. Preston	Harry Lee Waterfield
R. C. Estepp, Sr.	Carl J. Ruh	Morris Weintraub
C. A. Hammons	James S. Shaw	Charles W. Wirsch

—18

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 157. AN ACT transferring the balance of funds of toll free bridge at Rockport to sinking fund of the Central Toll Bridge, Project No. 17.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Commissioner of Highways, Commissioner of Finance, and the State Treasurer are hereby authorized and directed to transfer to the Highway Bridge Bond Sinking Fund Account of the Central Toll Bridge the balance in the Highway Bridge Bond, Sinking Fund Account of Project No. 15, Rockport Toll Bridge, which has become toll free and on which the outstanding bonds have been paid or called for payment.

Such balance as hereby authorized and directed to be transferred shall be used for the payment and retirement of the Revenue Bonds of the Commonwealth of Kentucky outstanding against the bridge project to which transferred.

Mr. Hayes moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	L. E. Bradley	Charles W. Burnley
Sidney Baer	Edward O. Bridgers	Paul Combs
Clarence J. Barnum	Thomas L. Britton	R. Josh Cosby
C. E. Baumgardner	Charles J. Bronston	Owen Deering
Fred Beshear	J. D. Buckman, Jr.	Thomas R. Duncan

R. C. Estepp, Sr.	William Jones	Carl J. Ruh
Henry C. Hale	James W. Lambert	Amos Runyan
C. A. Hammons	Jesse H. Lawrence	Dr. Roy Sanders
James P. Hanratty	Mrs. J. T. Linton	LeRoy Saylor
George F. Harris	Harry K. Lowman	Paul E. Shannon
Paul E. Hayes	True Mackey	Joseph T. Snapp
John A. Head	Damon Majors	John M. Spaulding
Harold G. Helm	William T. Marshall	Roy Steers
William K. Henry	G. Lee McClain	Raymond D. Stigall
E. R. Hilton	Jack McPherron	Mrs. Thelma Stovall
Ray Holbrook	Alton Mitchell	W. R. Stringer
Woodrow W. Hollan	Archie R. Moore	M. G. Thompson
Chester J. Holsclaw	Emmett G. Moore	Rev. T. H. Tinsley
W. M. Horn	Fred H. Morgan	Ralph N. Walter
Richard R. Houpt	C. S. Nabb	Fred M. Warns
Durham W. Howard	James H. Polsgrove	Harry Lee Waterfield
Robert N. Hubbard	Leonard W. Preston	Morris Weintraub
Silas Jacobs	Hobart Rayburn	G. F. Williamson
Barkley Jones	W. R. Reasor	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 158. AN ACT relating to the disposal of cancelled checks in the hands of the Director of Records of the Department of Highways.

Said bill is as follows, viz:

WHEREAS, before the Reorganization Act of 1936, the Highway Commission was authorized to, and did, pay its hourly wage employes from a fund under the control of the Commission, by checks drawn by the Commission, and

WHEREAS, said checks have long since been paid and cancelled, and are now occupying a great deal of storage space, to no useful purpose,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Checks drawn before July 1, 1936, by the former Highway Commission, or its agents, for the payment of the wages of employes hired on an hourly basis, which have been paid and cancelled, and which are now in the possession of the Director of Records of the present Department of Highways, may be sold as waste paper, or otherwise destroyed or disposed of, in the discretion of the said Director of Records.

Section 2. The Statutes Revision Commission is authorized to omit this Act from the Kentucky Revised Statutes.

Mr. Hayes moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Woodrow W. Hollan	Fred H. Morgan
Edgar Arnett	Chester J. Holsclaw	Leonard W. Preston
Sidney Baer	W. M. Horn	Hobart Rayburn
Clarence J. Barnum	Durham W. Howard	W. R. Reasor
Fred Beshear	Maurice G. Howard	Carl J. Ruh
L. E. Bradley	Robert N. Hubbard	Amos Runyan
Thomas L. Britton	Silas Jacobs	Dr. Roy Sanders
Charles J. Bronston	Paul S. Jonas	Roy Searcy
Alex Calvert	Barkley Jones	Paul E. Shannon
Paul Combs	James W. Lambert	James S. Shaw
R. Josh Cosby	Jesse H. Lawrence	John M. Spaulding
Owen Deering	Mrs. J. T. Linton	J. Claude Stacy
G. I. Drury	Homer E. Losey	Mrs. Thelma Stovall
Thomas R. Duncan	A. L. (Chick) Love	W. R. Stringer
R. C. Estepp, Sr.	Harry K. Lowman	M. G. Thompson
Henry C. Hale	True Mackey	Rev. T. H. Tinsley
C. A. Hammons	William T. Marshall	Ralph N. Walter
James P. Hanratty	G. Lee McClain	Fred M. Warns
George F. Harris	Jack McPherron	Harry Lee Waterfield
Paul E. Hayes	Alton Mitchell	Lyle H. Webb
Harold G. Helm	Archie R. Moore	Morris Weintraub
E. R. Hilton	Emmett G. Moore	G. F. Williamson
Ray Holbrook	Walter R. Moorman	Charles W. Wirsch

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Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 223. AN ACT providing signals to be used by the operators of vehicles in indicating intention to stop or turn.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 189.380 of the Kentucky Revised Statutes is hereby amended to read as follows:

(1) No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety, and only after a clearly audible signal has been given by sounding the horn if any pedestrian shall be affected by the movement. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other vehicle may be affected by such movement.

(2) A signal of the intention to turn right or left shall be given continuously for not less than the last one hundred feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the operator of any vehicle immediately in the rear when there is opportunity to give such signal.

(4) All signals required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or a mechanical signal device, except that the operator of a motor vehicle used for the transportation of persons for hire, the operator of a school bus, and the operator of any vehicle so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle must indicate an intention to turn by use of a signal lamp or lamps or mechanical signal device and must indicate an intention to stop or suddenly decrease speed by illuminating at least one red or yellow light with the word "Stop" on it on the rear of the vehicle.

(5) All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

a. Left turn—Hand and arm extended horizontally.

b. Right turn—Hand and arm extended upward.

c. Stop or decrease speed—Hand and arm extended downward.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	Chester J. Holsclaw	Leonard W. Preston
Sidney Baer	Richard R. Houpt	Hobart Rayburn
Clarence J. Barnum	Durham W. Howard	W. R. Reasor
C. E. Baumgardner	Maurice G. Howard	Carl J. Ruh
Fred Beshear	Robert N. Hubbard	Amos Runyan
Thomas L. Britton	Silas Jacobs	Dr. Roy Sanders
Charles J. Bronston	Paul S. Jonas	LeRoy Saylor
Charles W. Burnley	Barkley Jones	Paul E. Shannon
Stanley Carter	William Jones	James S. Shaw
Paul Combs	Jesse H. Lawrence	Jesse H. Shelton
R. Josh Cosby	Mrs. J. T. Linton	John M. Spaulding
Owen Deering	Harry K. Lowman	Roy Steers
G. I. Drury	True Mackey	Mrs. Thelma Stovall
Thomas R. Duncan	Damon Majors	W. R. Stringer
James P. Hanratty	John Martin	M. G. Thompson
George F. Harris	William T. Marshall	Rev. T. H. Tinsley
Paul E. Hayes	G. Lee McClain	Ralph N. Walter
William K. Henry	Archie R. Moore	Fred M. Warns
E. R. Hilton	Fred H. Morgan	Morris Weintraub
Ray Holbrook	C. S. Nabb	G. F. Williamson
Woodrow W. Hollan		—61

Those who voted in the negative were—

C. A. Hammons A. L. (Chick) Love Roy Searcy
Harold G. Helm —4

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 159. AN ACT authorizing cities to lease space on parking meter posts for purposes of advertising, and providing for disposition of the proceeds realized therefrom.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Any city may, by ordinance, enter into a contract whereby the city, for adequate consideration, shall allow space on parking meter posts to be utilized for the purpose of commercial or other advertising; provided, however, that the advertising signs and attachments used pursuant to the contract shall not unreasonably interfere with the use for which the parking meters were primarily intended and shall not unreasonably obstruct the free passage of traffic around the meters.

Sec. 2. All revenue received under the provisions of this Act shall be placed in the General Fund of the city to be used for general expenses.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	E. R. Hilton	C. S. Nabb
Bill Adams	Ray Holbrook	James H. Polsgrove
Edgar Arnett	Woodrow W. Hollan	Leonard W. Preston
Clarence J. Barnum	Chester J. Holsclaw	W. R. Reasor
C. E. Baumgardner	Richard R. Houpt	Carl J. Ruh
Fred Beshear	Durham W. Howard	Amos Runyan
Edward O. Bridgers	Maurice G. Howard	Dr. Roy Sanders
Thomas L. Britton	Silas Jacobs	Roy Searcy
Charles J. Bronston	Barkley Jones	Paul E. Shannon
Charles W. Burnley	James W. Lambert	Jesse H. Shelton
Paul Combs	Jesse H. Lawrence	Forest Smith
R. Josh Cosby	Mrs. J. T. Linton	John M. Spaulding
G. I. Drury	A. L. (Chick) Love	Roy Steers
Thomas R. Duncan	Harry K. Lowman	W. R. Stringer
R. C. Estepp, Sr.	True Mackey	M. G. Thompson
Henry C. Hale	John Martin	Rev. T. H. Tinsley
C. A. Hammons	William T. Marshall	Ralph N. Walter
James P. Hanratty	G. Lee McClain	Fred M. Warns
George F. Harris	Jack McPherron	Lyle H. Webb
Paul E. Hayes	Archie R. Moore	G. F. Williamson
John A. Head	Emmett G. Moore	Charles W. Wirsch
Harold G. Helm	Fred H. Morgan	

—65

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 8. AN ACT relating to the teaching of first aid in high schools and junior high schools of the public school system.

Mr. Love moved that said bill be laid on the Clerk's desk, subject to call at any time.

Said motion was agreed to.

Mrs. Stovall moved that the rules be suspended for the purpose of introducing a bill.

Said motion was agreed to by a majority of the members elected.

Thereupon, Mrs. Stovall and Mr. Hilton introduced a bill of the following title, viz:

H. B. No. 436. AN ACT to repeal, amend and reenact Section 336.130, Kentucky Revised Statutes, 1948 (Fourth Biennial Edition) relating to employer-employee relations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 336.130, Kentucky Revised Statutes, 1948 (Fourth Biennial Edition), be repealed, amended and reenacted so that when reenacted said section shall read as follows:

(1) Employees may, free from restraint or coercion by the employers or their agents, associate collectively for self-organization and designate collectively representatives of their own choosing to negotiate the terms and conditions of their employment to effectively promote their own rights and general welfare. Employees, collectively and individually, may strike, engage in peaceful picketing, and assemble collectively for peaceful purposes.

(2) Neither employers or their agents nor employees or associations, organizations or groups of employees shall engage or be permitted to engage in unfair or illegal acts or practices or resort to violence, intimidation, threats or coercion.

(3) The Commissioner or his deputies shall have the right to conduct elections to determine the collective bargaining representatives and to conduct said election on the employer's premises on reasonable notice to the employer, and to certify the results of said election to the employer and the collective bargaining representatives.

(4) Both the employer and the employees shall attempt in good faith to bargain collectively in carrying out the spirit of labor management relationship.

(5) The Commissioner is authorized and empowered to employ such additional assistants, deputies or employees as are necessary to properly carry out the terms of this section.

Ordered that said bill be printed and referred to the Committee on Rules.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 268. AN ACT relating to Planning and Zoning Commissions in cities of the first class and counties containing such cities, amending Section 100.037 of Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 100.037 of Kentucky Revised Statutes is hereby amended, and as amended reads:

The commission shall elect, from among appointed members, a chairman and vice-chairman. In the absence of the chairman, and if or when there is no chairman, the vice-chairman shall act and have all of the powers and duties of the chairman. The terms of the chairman and vice-chairman shall each be for one year. The commission shall hold at least one regular meeting in each month. It shall adopt rules and regulations for the transaction of business and keep minutes and records of all of its proceedings, showing its resolutions, transactions, findings, and determinations, and the vote of each member on each question, or, if absent or failing to vote, indicating such fact, all of which shall be immediately filed in the office of the commission and shall be public records. Both the ex officio members and the appointed members, except the chairman, shall be entitled to vote on any subject or matter before the commission, and a quorum of the commission for the transaction of any business shall constitute five members. In case of a tie vote or a dead-lock, the chairman shall have the power to vote and shall cast his vote and break such tie vote or dead-lock.

Mr. Baer moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Harold G. Helm	Walter R. Moorman
Bill Adams	William K. Henry	Fred H. Morgan
Edgar Arnett	E. R. Hilton	C. S. Nabb
Sidney Baer	Ray Holbrook	Dr. C. E. Palmore
Clarence J. Barnum	Woodrow W. Hollan	James H. Polsgrove
C. E. Baumgardner	Chester J. Holsclaw	W. R. Reasor
Fred Beshear	W. M. Horn	Carl J. Ruh
L. E. Bradley	Richard R. Houpt	Amos Runyan
Edward O. Bridgers	Durham W. Howard	Dr. Roy Sanders
Thomas L. Britton	Maurice G. Howard	LeRoy Saylor
Charles J. Bronston	Robert N. Hubbard	Paul E. Shannon
Charles W. Burnley	Silas Jacobs	Jesse H. Shelton
Alex Calvert	Paul S. Jonas	Forest Smith
Stanley Carter	Barkley Jones	John M. Spaulding
Paul Combs	William Jones	Roy Steers
R. Josh Cosby	James W. Lambert	Raymond D. Stigall
Owen Deering	Jesse H. Lawrence	Mrs. Thelma Stovall
G. I. Drury	Mrs. J. T. Linton	M. G. Thompson
Thomas R. Duncan	A. L. (Chick) Love	Rev. T. H. Tinsley
R. C. Estepp, Sr.	True Mackey	Ralph N. Walter
Mitchell S. Fannin	Damon Majors	Fred M. Warns
Henry C. Hale	William T. Marshall	Harry Lee Waterfield
C. A. Hammons	Jack McPherron	Lyle H. Webb
James P. Hanratty	Alton Mitchell	Morris Weintraub
George F. Harris	Archie R. Moore	Charles W. Wirsch
Paul E. Hayes	Emmett G. Moore	—77

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Searcy moved that the rules be suspended for the purpose of offering a resolution.

Said motion was agreed to by a majority of the members elected.

Thereupon, Mr. Searcy offered a resolution of the following title, viz:

H. Res. No. 65. A CONCURRENT RESOLUTION petitioning the Courier-Journal to print certain facts in an editorial.

Said resolution is as follows, viz:

WHEREAS, on March first an editorial in the Courier-Journal denounced this session of the legislature in extremely derogatory terms, and,

WHEREAS, this editorial included the entire membership with the 'Poorest Record ever written by a Kentucky Legislature' and,

WHEREAS, many members have found their zeal for service and desire to work curtailed at every turn by members who have previously served in this house and who have constantly monopolized the floor with bombastic utterings, lengthy and autocratic speeches and clever maneuverings for confusion as they flouted their political grudges in thinly veiled guises of virtue, and,

WHEREAS, many new members of this body feel that censure should be placed squarely on the shoulders of the few who deserve it and not upon this body as a whole, therefore,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the Courier-Journal is hereby petitioned to point out these individuals in such manner that they alone will bear the responsibility for the failure of this 1950 regular session of the Legislature of the Commonwealth of Kentucky.

Ordered that said resolution be referred to the Committee on Rules.

The Speaker announced that on yesterday he had inadvertently omitted from the list of the Committee on Rules, which he furnished the Chief Clerk, the name of

Mr. Bill Adams, and instructed the Chief Clerk to add Mr. Adams' name to said Committee.

The following communication was then read by the Chief Clerk, viz:

Mr. Ervin Sanders

Chief Clerk, House of Representatives

Frankfort, Kentucky

Dear Mr. Sanders:

The Speaker advises the Clerk that the name of Mr. Bill Adams, from the county of Letcher, was inadvertently omitted from the list of the Committee on Rules.

Mr. Adams is hereby named to the Committee on Rules.

Very truly yours

s/ Adron Doran

SPEAKER

HOUSE OF REPRESENTATIVES

Acting under the instructions of the Speaker, the Chief Clerk listed and included Mr. Bill Adams in the membership of the Committee on Rules.

Mr. Hanratty moved that the House do now adjourn to meet again at 1 o'clock, p.m. Thursday, March 2, 1950.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, MARCH 2, 1950

The House convened and was called to order by the Honorable Adron Doran, Speaker.

The House was opened with prayer by Dr. Will B. Campbell, pastor of the Methodist Church, of Frankfort, Kentucky.

The roll of the House was called and the following members answered to their names, viz:

Bernam Adams
Bill Adams
Edgar Arnett
Sidney Baer
Walter J. Bailey
Clarence J. Barnum
C. E. Baumgardner
Leonard T. Bean
John D. Beatty
Fred Beshear
R. O. Blevins
L. E. Bradley
Edward O. Bridgers
Thomas L. Britton
Charles J. Bronston
J. D. Buckman, Jr.
Charles W. Burnley
Alex Calvert
Stanley Carter
Paul Combs
R. Josh Cosby
B. H. Crider
Owen Deering
G. I. Drury
Thomas R. Duncan
R. C. Estepp, Sr.
Mitchell S. Fannin
Henry C. Hale
C. A. Hammons
James P. Hanratty
Paul E. Hayes
John A. Head
William K. Henry
E. R. Hilton
Ray Holbrook
Woodrow W. Hollan
W. M. Horn
Richard R. Houpt
Durham W. Howard
Maurice G. Howard
Robert N. Hubbard
Silas Jacobs
Paul S. Jonas
Barkley Jones
William Jones
James W. Lambert
Jesse H. Lawrence
Mrs. J. T. Linton
Homer . Losey
A. L. (Chick) Love
Harry K. Lowman
True Mackey
Damon Majors
John Martin
William T. Marshall
G. Lee McClain
Jack McPherron
Alton Mitchell
Archie R. Moore
Emmett G. Moore
Walter R. Moorman
Fred H. Morgan
C. S. Nabb
Dr. C. E. Palmore
James H. Polsgrove
Leonard W. Preston
Hobart Rayburn
W. R. Reasor
Carl J. Ruh
Amos Runyan
Dr. Roy Sanders
LeRoy Saylor
Roy Searcy
Paul E. Shannon
Gus Sheehan, Jr.
Jesse H. Shelton
Forest Smith
Joseph T. Snapp
John M. Spaulding
Roy Steers
Raymond D. Stigall
Mrs. Thelma Stovall
W. R. Stringer
Egbert V. Taylor
M. G. Thompson
Rev. T. H. Tinsley
Ralph N. Walter
Fred M. Warns
Harry Lee Waterfield
Lyle H. Webb
Morris Weintraub
Geo. F. Williamson
Charles W. Wirsch
Adron Doran,
Speaker

Mr. Hanratty moved that the reading of the Journal of the proceedings of Wednesday, March 1, 1950, be dispensed with, and the same be approved.

Said motion was agreed to.

Mr. Saylor moved that the House do now recess for ten minutes.

Said motion was agreed to.

And then the House recessed.

Ten minutes having expired, the Speaker resumed the Chair and called the House to order.

A message was received from the Senate announcing that they had passed bills which originated in that body of the following titles, viz:

S. B. No. 16. AN ACT to amend Section 256 of the Constitution of this Commonwealth relating to the amendment of said Constitution.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That Section 256 of the Constitution be amended by repealing said section in its entirety and enacting in lieu thereof the following:

Amendments to this Constitution may be proposed in either house of the General Assembly at a regular session, or, if stated in the original proclamation as a subject to be considered, at a special session, and if such amendment or amendments shall be agreed to by three-fifths of all the members elected to each house, such proposed amendment or amendments, with the yeas and nâys of the members of each house taken thereon shall be entered in full in their respective journals. Then such proposed

amendment or amendments shall be submitted to the voters of the State for their ratification or rejection at the next general election which occurs not less than ninety days from the final passage of such amendment or amendments, the vote to be taken thereon in such manner as the General Assembly may provide. If it shall appear that a majority of the votes cast for and against an amendment at said election was for the amendment, then the same shall become a part of the Constitution of this Commonwealth, and shall be so proclaimed by the Governor, and published in such manner as the General Assembly may direct. Said amendments shall be so submitted as to allow a separate vote on each, unless the General Assembly provides for a single vote on two or more amendments. No amendment shall relate to more than one general subject. The approval of the Governor shall not be necessary to any bill, order, resolution or vote of the General Assembly proposing an amendment or amendments to this Constitution.

Sec. 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification, or rejection, at the time and in the manner provided for under Sections 256 and 257 of the Constitution, and under KRS 118.170 and 118.430.

S. B. No. 56. AN ACT to regulate the handling, sale and distribution of Barbiturates.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. DEFINITIONS: As used in this Act:

(a) The term "barbiturate" shall mean the salts and derivatives of Barbituric Acid also known as Malonyl Urea, having somnifacient or hypnotic action and compounds, preparations and mixture of same.

(b) The term "practitioner" shall mean a person licensed in this state to prescribe and administer barbiturates.

SECTION 2. It shall be unlawful for any person to possess, manufacture, sell, dispense, prescribe or administer any barbiturate except as hereinafter authorized.

SECTION 3. Duly licensed pharmacists may sell, dispense and furnish any barbiturate only upon the prescription of a practitioner and the container of such barbiturate shall have thereon a label bearing the name and address of the pharmacy or pharmacist, the name of the person for whom the barbiturate was prescribed, the date of filling the prescription, and if for an animal, the specie and owner of same. All such prescriptions shall be numbered and filed and retained for at least two years. No such prescription shall be refilled.

SECTION 4. Practitioners may possess barbiturates in reasonable amounts, and deliver and dispense same to his patients in the general course of his practice provided the container in which such barbiturates are dispensed shall bear a label showing the name of the practitioner, the name of the person for whom prescribed, date and directions for use. If prescribed for an animal, the specie and name of the owner shall be shown or the label.

SECTION 5. Wholesalers and manufacturers may possess barbiturates for manufacturing and may sell and deliver same at wholesale to the following:

(1) Pharmacists.

(2) Practitioners.

(3) For lawful research, teaching or testing, and not for resale.

(4) Hospitals and institutions where distribution is directed by practitioners.

(5) Federal, State and Local Governments.

(6) Manufacturers and other wholesalers, and shall accompany all such sales with an invoice or bill of sale.

SECTION 6. Nothing in this Act shall apply to a compound, mixture, or preparation containing salts or derivatives of

barbituric acid which is sold in good faith for the purpose for which it is intended and not for the purpose of evading the provisions of this Act if—

(a) Such compound, mixture, or preparation contains a sufficient quantity of another drug or drugs, in addition to such salts or derivatives, to cause it to produce an action other than its hypnotic or somnifacient action; or

(b) Such compound, mixture, or preparation is intended for use as a spray or gargle or for external application and contains, in addition to such salts or derivatives, some other drug or drugs rendering it unfit for internal administration.

SECTION 7. All records, prescriptions and invoices herein provided for shall be preserved for at least two years and open to inspection by authorized representatives of the State Board of Health and the State Board of Pharmacy.

SECTION 8. This Act shall be administered jointly by the State Board of Health and the State Board of Pharmacy or their authorized agents. The State Board of Health and the State Board of Pharmacy shall make such rules and regulations as are deemed necessary to carry out the intent and purpose of this Act.

SECTION 9. It is hereby made the duty of the State Board of Health, and the State Board of Pharmacy, their officers, agents, inspectors, and representatives, and of all peace officers within the state, and of all county attorneys, to enforce all provisions of this Act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states, relating to barbiturates.

SECTION 10. Any person violating the provisions of this Act shall be fined not more than Five Hundred ($500.00) Dollars or imprisonment for not more than one year or both fine and imprisonment.

S. B. No. 161. AN ACT relating to carrying concealed a deadly weapon.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Subsection (2) of Section 435.230 of the Kentucky Revised Statutes is amended to read as follows:

(2) Sheriffs, constables, marshals, policemen and other ministerial officers when necessary for their protection in the discharge of their official duties, and county attorneys and Commonwealth's Attorneys when accompanying a peace officer in the discharge of his official duties; United States mail carriers, when actually engaged in their duties; and agents and messengers of express companies, when necessary for their protection in the discharge of their official duties, may carry concealed deadly weapons on or about their persons.

S. B. No. 176. AN ACT relating to Professional Nursing, including provision for licensing and regulation of the practice of professional nursing and the approval of Schools of Professional Nursing.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. DEFINITIONS AND APPLICATION

(1) "Purpose". The purpose of this Act is to regulate the examination, licensing and practice of graduates of approved schools of professional nursing.

(2) As used in this act

(a) "Board" means the Board of Nursing Education and Nurse Registration.

(b) "Practice of professional nursing" means the practice of nursing by a person who for compensation or personal profit performs any nursing service requiring the application of prin-

ciples of the biological, physical or social sciences and nursing skills in the care of the sick, in the prevention of disease or in the conservation of health.

Section 2. STATE BOARD OF NURSING EDUCATION AND NURSE REGISTRATION.

a. Appointment. The Governor shall appoint a Board of Nursing Education and Nurse Registration consisting of seven members: Provided, however, that the present State Board of Examiners of Trained Nurses shall serve as the Board under this act until the expiration of the terms of office of the present members or until their successors have been appointed and qualified under this act. At least two months prior to the expiration of the term of office of each member of the State Board of Examiners of Trained Nurses, the Kentucky State Association of Registered Nurses shall submit to the governor a list of fourteen members qualified to serve on the Board of Nursing Education and Nurse Registration. Appointments shall be made from this list as follows: one appointment for one year, two appointments for two years, two appointments for three years and two appointments for four years. Upon the expiration of each of these terms of office each subsequent appointment shall be for a term of four years. At least three months before the expiration of the term of any member of the board, thereafter, the Kentucky State Association of Registered Nurses shall submit to the governor a list of members qualified for appointment, in number not less than twice the number of appointments to be made from which list the Governor shall make each appointment or appointments as necessary. When one or more approved schools of practical nursing are located within the State of Kentucky, at least one appointment to the board shall be a qualified registered nurse who is a faculty member of an approved school of practical nursing.

b. Vacancy. A vacancy on the board shall be filled by the Governor from the list of names submitted under sec. 2 (a).

c. Removal from office. The Governor may remove any member from the board for neglect of duty, incompetency, or unprofessional or dishonorable conduct.

Section 3.

a. Qualifications of members. Each member of the board shall (1) be a citizen of the United States, a resident of Kentucky, a graduate of an accredited school of nursing, a registered nurse in the state, and have completed at least two years of study in an approved college or university in courses which may be applied on a degree in nursing education; (2) have had at least five years successful experience in any one or combinations of the following fields: Administration in schools of nursing, teaching in schools of nursing, supervision in schools of nursing, or a faculty member in a public health nursing agency affiliated with a school of nursing, three years of which experience shall immediately precede the appointment or reappointment; (3) be a member of the Kentucky State Association of Registered Nurses and a member of the State League of Nursing Education.

Section 4.

(a) Duties and Powers. The board shall meet annually in Frankfort within thirty days after each annual appointment or appointments and shall elect from its members a president and a secretary-treasurer. It shall hold such other meetings during the year as may be deemed necessary to transact business. A majority of the board including one officer shall constitute a quorum at any meeting. The board is authorized to adopt and, from time to time, revise such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this Act. The board shall prescribe curricula and standards for schools of nursing and courses preparing persons for licensure under this Act. It shall provide for surveys of such schools and courses at such time as may be necessary, approve such schools and courses as meet the requirements of this Act and of the board, evaluate and approve courses for affiliation, and examine, license and renew the license of duly qualified applicants; it shall conduct hearings upon charges calling for discipline of a licensee or denial or suspension or revocation of a license, have powers to issue subpoenas, and compel the attendance of witnesses, administer oaths to persons giving testimony at hearings, and cause the prosecution of all per-

sons violating this Act. It shall keep a record of all its proceedings and make an annual report to the governor.

The board shall employ a qualified person to serve as executive secertary to the board, and shall fix his compensation and define his duties. It may employ such other persons as may be necessary to carry on the work of the board.

The executive secretary shall meet at least the qualifications for board members and shall have had at least two years of experience in nursing school administration immediately preceding the time of his appointment.

b. Compensation. Each member of the board shall receive, in addition to necessary traveling, hotel and other necessary expenses, $10.00 per day for each day he is actually engaged in the discharge of his official duties. Employees of the board shall be reimbursed for necessary traveling, hotel or other necessary expenses incurred in the discharge of their duties.

Section 5. REGISTERED NURSE

a. Qualifications of applicant. An applicant for a license to practice as a registered nurse shall file with the board a written application for a license and submit evidence, verified by oath, that the applicant is of good moral character; is in good physical and mental health; has completed at least an approved four year high school course of study or the equivalent thereof as determined by an appropriate educational agency; and has completed the basic professional curriculum in an approved school of professional nursing and holds a diploma therefrom.

b. License by examination. An applicant shall be required to pass a written examination in such subjects as the board may prescribe. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination, the board shall issue to the applicant a license to practice nursing as a registered nurse.

c. License without examination. The board may issue a license to practice nursing as a registered nurse without examination, to an applicant who has been duly licensed as a reg-

istered nurse under the laws of another state, territory or foreign country, if in the opinion of the board the applicant is qualified to practice professional nursing in this state.

d. Temporary license. The board, at its discretion may issue a temporary license to nurses who are licensed in and citizens of other countries; provided such license shall be issued for a period not to exceed one year.

e. Fee. An applicant for a license to practice as a registered nurse shall pay a fee of $15.00 to the board.

f. Title and abbreviation. Any person who holds a license to practice as a registered nurse in this state shall have the right to use the title "Registered Nurse" and the abbreviation "R. N." No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a registered nurse. No person shall practice professional nursing unless licensed under this Act or excepted under the provisions of Section 10.

g. Nurses Registered under a Previous Law. Any person holding, on July 1, 1950, a valid license or certificate of registration to practice nursing as a registered nurse issued under the prior law shall thereafter be deemed to be licensed as a registered nurse under the provisions of this Act.

Section 6. RENEWAL OF LICENSE

a. The license of every person licensed under the provisions of this Act shall be annually renewed except as hereinafter provided. At least six weeks before the renewal date the board shall mail an application for renewal to every person to whom a license was issued during the current year. The applicant shall fill in the application form and return it to the board with the renewal fee of $2.00 before the expiration date of his current license. Upon receipt of the application and fee the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the ensuing year. Such certificate of renewal shall render the holder a legal practitioner of nursing for the period stated on the certificate of renewal. The board shall prescribe by regulation the beginning and ending of the license year.

b. Lapsed License. Any licensee who allows his license to lapse by failing to renew the license as provided above may be reinstated by the board on satisfactory explanation for such failure to renew the license and on payment of current renewal fee.

Any person practicing nursing during the time the license has lapsed shall be considered an illegal practitioner and shall be subject to the penalties provided for violations of this Act.

Section 7. DISPOSITION OF FUNDS

All fees received by the board collected under this Act shall be deposited at the end of each month, with the State Treasurer of the Commonwealth of Kentucky, who shall place the money to the credit of the Board of Nursing Education and Nurse Registration Revolving Fund.

This fund shall be held subject to the order of the board to be used only for the purpose of meeting necessary expenses incurred in the performanec of the provisions of this Act, and the duties imposed thereby as well as the promotion of nursing education and standards of nursing care in this state, through surveys, institutes, conferences or such other means as may result in improving nursing service in this state.

All funds which may have accumulated to the credit of the board under the Act which is now repealed shall be continued for use by the Board of Nursing Education and Nurse Registration in the administration of this Act.

Section 8. SCHOOLS OF NURSING

A. Application for approval. An institution desiring to conduct a school of professional nursing shall apply to the board and submit evidence that it is prepared to carry out the prescribed basic curriculum in professional nursing and that it is prepared to fulfill other requirements of standards which are established by this law or by regulations of the board. Schools now approved shall continue under this Act. No person shall operate a school of professional nursing without complying with the provisions of this section.

b. Survey. A survey of the institution or institutions with which the school is to be affiliated shall be made by the executive secretary or other authorized employee of the board, who shall submit a written report of the survey to the board. If, in the opinion of the board, the requirements for an approved school of nursing are met, it shall approve the school.

Periodic surveys of all schools of nursing shall be made under the supervision of the board. Written reports of such surveys shall be submitted to the board. If the board determines that any approved school of nursing is not maintaining the standard required by the statutes and by the board, notice thereof in writing specifying their deficiencies shall be immediately given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be discontinued after hearing.

Section 9. DISCIPLINARY PROCEEDINGS

a. Grounds for discipline. The Board shall have power to deny, revoke or suspend any license to practice nursing issued by the board or applied for in accordance with the provisions of this Act, or to otherwise discipline a licensee upon proof that the person is: guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; guilty of a crime or gross immorality; unfit or incompetent by reason of negligence, habits or other causes; habitually intemperate or addicted to the use of habit-forming drugs; mentally incompetent; guilty of unprofessional conduct or has wilfully or repeatedly violated any of the provisions of this Act.

A revoked or suspended license may be relicensed after one year, at the discretion of the board.

Section 10. EXCEPTIONS

No provision of this law shall be construed as prohibiting gratuitous nursing by friends or members of the family or as prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice professional nursing within the meaning of this

Act, or as prohibiting nursing assistance in the case of an emergency; nor shall it be construed as prohibiting the practice of nursing by students enrolled in approved schools of professional nursing; nor by graduates of such schools pending the results of the first licensing examination scheduled by the board following such graduation; nor shall it be construed as prohibiting the practice of nursing in this state by any legally qualified nurse of another state whose engagement requires him to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, provided such person does not represent or hold himself out as a nurse licensed to practice in this state; nor shall it be construed as prohibiting the practice of any legally qualified nurse of another state who is employed by the United States Government or any bureau, division or agency thereof, while in the discharge of his official duties; nor shall it be construed to apply to any Christian Science Nurse. The provisions of this Act shall not prevent the practice of nursing by a person who is not a graduate of an approved school of professional nursing so long as that person is practicing under the direct supervision and control of a licensed physician, or a well recognized hospital or clinic.

Section 11. VIOLATION OF ACT, PENALTIES

(1) Any person who violates any provision of this chapter for which no other penalty has been provided shall be fined not less than five dollars nor more than fifteen dollars. Each day he violates any provision of this chapter shall be considered a separate offense.

(2) Any person who wilfully makes any false representation to the Board in applying for a license shall be fined not more than five hundred dollars.

Section 12. REPEAL OF CHAPTER 314

Chapter 314 of the Kentucky Statutes is hereby repealed.

Section 13. EFFECTIVE DATE

This Act shall take effect July 1, 1950.

S. B. No. 178. AN ACT to regulate practical nursing including provision for licensing the practice of practical nurses and for the approval of schools of practical nursing.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. DEFINITIONS.

a. "A practical nurse" is a person who performs such nursing service as prescribed by a licensed physician, requiring a knowledge of simple nursing procedures but not requiring the professional knowledge and skills required for professional nursing. This Act shall not affect or apply to nursing of the sick, either gratuitously or for compensation by a member of the family, or to a person nursing the sick who does not in any way assume or hold himself out to be a Licensed Practical Nurse.

b. "Board" means the State Board of Examiners of Trained Nurses, or a board which would succeed to its function.

Section 2. PRACTICAL NURSE

Qualification of applicant for license as practical nurse. An applicant for a license to practice as a licensed practical nurse shall submit to the Board satisfactory evidence that the applicant is at least eighteen (18) years of age, is a citizen of the U. S., or has legally declared intention of becoming a citizen of the U. S., is of good moral character, is of good physical and mental health, has completed at least one year of high school or its equivalent, and such other preliminary qualification requirements as the board may prescribe; and has successfully completed the prescribed curriculum in a School of Practical Nursing which school is approved by the board and holds a diploma or certificate therefrom, or presents such other qualifications as shall be deemed acceptable by the board. For a period of two (2) years after the effective date of this act, applicant shall be eligible to apply for a license as a licensed practical nurse with-

out meeting the above qualifications, provided: that he shall satisfy the board, that he is qualified to practice practical nursing.

Section 3.

Board to hold Examination. The board shall meet for the purpose of conducting examinations at least once a year, at a time and place determined by the board. Notices of such examinations shall be published in two newspapers in general circulation. Notices shall be sent by mail to every applicant after applications are received, and to every approved school of Practical Nursing in this State at least thirty days before the meeting.

Section 4.

Assistant Board of Practical Nurse Examiners. After the first licensing period, the board shall appoint an assistant Board of Practical Nurse Examiners to assist the board in carrying out the purpose of this Act. The assistant Board of Practical Nurse Examiners shall consist of three Licensed Practical Nurses who have been selected by the board from a list of three names submitted by the Kentucky State Association of Practical Nurses for each appointment. The term of each applicant shall be for a period of three years each, providing, however, for the first appointment, one shall be for a period of three years, one for two years and one for one year.

Section 5.

a. License by examination. The applicant shall be required to pass a written examination in such subjects as the board may determine. Each written examination may be supplemented by an oral or practical examination. Upon successfully passing such examination the board shall issue to the applicant a license to practice as a licensed practical nurse.

b. Without examination. The Board may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed or registered as a li-

censed practical nurse or a person entitled to perform similar services under a different title, under the laws of another state, territory or foreign country if, in the opinion of the board, the applicant meets the requirements for a licensed practical nurse in this State.

Section 6.

a. Board to sign certificate. Every license issued by the board shall be signed and have the seal of the board affixed. A licensee shall be prepared to exhibit his license or a certified copy of it whenever required.

b. Fee. The applicant applying for a license to practice as a licensed practical nurse shall pay a fee of $5.00 to the board. All fees received by the board and collected under this Act shall be deposited with the State Treasurer of the Commonwealth of Kentucky, who shall place the money to the credit of the Revolving Fund of the board. The fund shall be held subject to the order of the board, and to be used for meeting necessary expenses incurred in the performance of the purpose of this Act and the duties imposed thereby as well as the promotion of practical nursing education and standards of practical nursing care in the State.

Section 7.

Title and abbreviation. Any person who holds a license to practice as a licensed practical nurse in this State shall have the right to use the title "Licensed Practical Nurse" and the abbreviation "L. P. N.". No other person shall assume such title or use such abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a licensed practical nurse.

Section 8. RENEWAL OF LICENSE: LAPSE

a. The license of every person licensed under the provisions of this Act shall be annually renewed except as hereinafter provided. At least six weeks before the renewal date the board

shall mail an application for renewal to every person to whom a license was issued during the current year. The applicant shall fill in the application form and return it to the board with the renewal fee of $2.00 before the expiration date of his current license. Upon receipt of the application and fee the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the ensuing year. Such certificate of renewal shall render the holder a legal practitioner of nursing for the period stated on the certificate of renewal. The board shall prescribe by regulation the beginning and ending of the license year.

b. Any licensee who allows his license to lapse by failing to renew the license as provided for above may be reinstated at the discretion of the board and the payment of fees in arrears.

Section 9. SCHOOLS OF PRACTICAL NURSING

Approval: Survey of. An institution desiring to conduct a school of practical nursing shall apply to the board and submit evidence that it is prepared to carry out the prescribed basic curriculum in practical nursing, and that it is prepared to fulfill other requirements of standards which are established by this law or by regulations of the board.

A survey of the institution applying for a School of Practical Nursing shall be made by an authorized employee of the board who shall submit a written report to the board. If, in the opinion of the board, the requirements for a school are met, the board shall approve the school as a School of Practical Nursing. No person shall operate a School of Practical Nursing without complying with the provisions of this section.

From time to time as deemed necessary by the board, it shall be the duty of the board, to survey all schools of Practical Nursing in the State. If the board determines that any school is not maintaining the standards required by the statutes and by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall be removed from the list of approved schools of Practical Nursing.

Section 10. DISCIPLINARY PROCEEDINGS

Grounds for Discipline. The board shall have power to deny, revoke or suspend any license to practice practical nursing issued by the board or applied for in accordance with the provisions of this Act, or to otherwise discipline a licensee upon proof that the person is: Guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing; guilty of a crime or gross immorality; unfit or incompetent by reason of negligence, habits or other causes; habitually intemperate or addicted to the use of habitforming drugs; mentally incompetent; guilty of unprofessional conduct or has wilfully or repeatedly violated any of the provisions of this Act.

Section 11.

Suspension: denial: revocation proceedings: Practical nurse of: In all proceedings for suspension or revocation the licensee shall be furnished with a copy of the charges and shall be given at least thirty days to prepare defense. The person charged shall be heard by the board in person or by counsel or both, as may be desired. The presiding officer of the board may administer the oath in any matter arising in the course of the duties. In the hearing the board may take oral or written proof for or against the aggrieved person.

Section 12. VIOLATION OF ACT, PENALTIES

(1) Any person who violates any provision of this chapter for which no other penalty has been provided shall be fined not less than five dollars nor more than fifteen dollars. Each day he violates any provision of this chapter shall be considered a separate offense.

(2) Any person who wilfully makes any false representation to the board in applying for a license shall be fined not more than five hundred dollars.

Section 13. EFFECTIVE DATE

This Act shall take effect July 1, 1950.

Ordered that said bills be printed and referred to the Committee on Rules.

The message which was received from the Senate also announced that they had adopted a resolution of the following title, viz:

S. Res. No. 52. A JOINT RESOLUTION memorializing Congress to restore to the University of Kentucky the land-grant college endowment funds granted under the Morrill-Nelson and related acts and now arbitrarily diverted and withdrawn by the Administrator of Veterans' Affairs for his separate purposes.

Said resolution is as follows, viz:

WHEREAS, the Administrator of Veterans' Affairs has arbitrarily claimed credit for funds appropriated by the Congress of the United States, in a series of acts extending over many decades, to the University of Kentucky, such arbitrary action consisting of said Administrator's order that large sums paid under the Morrill-Nelson, Bankhead-Jones and possibly other acts be turned over to the Veterans' Administration, in effect, so that the Veterans' Administration can apply such funds to help it administer the GI Bill of Rights; and

WHEREAS, the entire history of Federal acts for assistance to the several states in the establishment of a national system of land-grant institutions shows clearly the endowment character of the funds granted thereunder and that such funds were appropriated on a basis and for purposes wholly distinct and separate from the emergency education of veterans; and

WHEREAS, the Commonwealth of Kentucky in good faith established the University of Kentucky, and has since maintained and supported it, in reliance upon the good faith of the Federal government's provision for its endowment by the series of acts which the Administrator of Veterans' Affairs now in large measure and in effect has ordered nullified and temporarily repealed; and

WHEREAS, the loss to the University of Kentucky and the Commonwealth of Kentucky as the direct result of this arbitrary action already amounts to $265,529.31; and

WHEREAS, the legislative history of the GI Bill of Rights makes it unmistakably plain that the Administrator of Veterans' Affairs has, in diverting these funds, flatly contravened the intent of Congress;

NOW THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. That the General Assembly of the Commonwealth of Kentucky in regular session assembled, the Senate and House concurring, memoralizes the Eighty-First Congress of the United States to enact legislation relieving the University and the Commonwealth of Kentucky from the retroactive effect and any future effect of the recent arbitrary order of the Administrator of Veterans' Affairs by which sums of money previously appropriated to land-grant colleges by the Congress under the Morrill-Nelson, Bankhead-Jones and possibly other acts are in effect to be withdrawn and diverted by said Administrator to further his administration of the GI Bill of Rights.

Sec. 2. That the Senators and Representatives of Kentucky in the Eighty-First Congress are urged to support Senate Bill 2909 or House Bill 7057 which have been introduced in the Congress to accomplish the foregoing.

Sec. 3. Copies of this memorial, duly authenticated, shall be sent by the Clerk of the Senate to the President and Chief Clerk of the Senate of the United States, the United States Senators from Kentucky, the Speaker and Chief Clerk of the House of Representatives of the United States, and the Representatives in Congress from Kentucky.

The message which was received from the Senate also announced that they had passed a bill which originated in this body of the following title, viz:

H. B. No. 237. AN ACT relating to medical examination or furnishing of records as a condition of employment.

Ordered that said bill be delivered to the Enrolling Clerk of this House.

Mr. Morgan offered the following resolution, viz:

H. Res. No. 66. A JOINT RESOLUTION authorizing and directing the Legislative Research Commission to make a study and report of child-adoption laws and procedures.

WHEREAS, it is a benefit to everyone to have all children grow up in the normal environment of an individual home; and

WHEREAS, in addition to various other reasons, the present outmoded and unworkable adoption laws of this Commonwealth unreasonably denies this ideal condition to many children of the Commonwealth with a resultant loss to the Commonwealth as a whole;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission be and it is authorized and directed to make a comprehensive study and survey of the child-adoption laws and procedures of this state and other states. A report embodying the results of and conclusions of the study and survey hereby authorized and directed shall be submitted to the General Assembly, by the Legislative Research Commission, on or before the day on which the 1952 session convenes.

Said resolution was adopted.

Mr. Snapp moved that the House do now take up for immediate consideration a resolution of the following title, viz:

H. Res. No. 48. A RESOLUTION designating, as "Governor Fields Memorial Highway," that portion of Highway No. 165 leading from Mt. Olivet, in Robertson County, to the intersection with Highway No. 68 at Blue Licks Battlefield Park.

Said resolution is as follows, viz:

WHEREAS, the Honorable William J. Fields, as Chief Executive of the Commonwealth of Kentucky, evidencing an unusual interest in the welfare of the County of Robertson and deploring the lack of a high type highway within its boundary, and realizing the difficulties confronting said county in the procurement of such a highway, agreed to and did through sincere and earnest effort in conjunction with the State Highway Commission cause to be constructed that portion of Highway No. 165 above set out in Robertson County, at no cost to said county; and

WHEREAS, it is fitting, proper and desirable that this highway be named in honor of Governor Fields who made it possible;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the portion of Highway No. 165 beginning in the town of Mt. Olivet, Robertson County and running through said county to the intersection with Highway No. 68 at Blue Licks Battlefield Park, be and the same is hereby officially designated as the "GOVERNOR FIELDS MEMORIAL HIGHWAY."

Mr. Snapp moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said resolution was adopted.

Mr. Durham Howard moved that the rules be suspended and the privilege of the floor extended to Jimmy Lambert.

Said motion was unanimously agreed to.

Mr. McPherron moved that the rules be suspended and the privilege of the floor extended to Mr. Gorden Smith and Mr. Less Tucker.

Said motion was unanimously agreed to.

Mr. Searcy moved that the rules be suspended and the privilege of the floor extended to Mr. F. K. Stone.

Said motion was unanimously agreed to.

Mr. Walter moved that the rules be suspended and the privilege of the floor extended to Mr. Hobart Cassity.

Said motion was unanimously agreed to.

The Enrolling Clerk of this House delivered the original and enrolled copies of a resolution of the following title, viz:

H. Res. No. 12. A JOINT RESOLUTION providing for the purchase and distribution of "The Legislative Digest" and declaring an emergency.

Which was signed by the Speaker of the House on February 20,

Duly signed by the President of the Senate,

Into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said resolution to the Governor.

After a time the Chief Clerk reported that he had discharged the duty imposed upon him.

Messrs. Love, Barkley Jones and Doran offered the following resolution, viz:

A CONCURRENT RESOLUTION memoralizing the Congress of the United States to take immediate steps to effectuate adequate flood control of Clark's River.

WHEREAS, Clark's River flows through the county of Stewart in Tennessee and the counties of Calloway, Marshall, Graves and McCracken in Kentucky; and

WHEREAS, such territory of approximately four hundred thousand acres is constantly threatened in the flooding, said river having flooded seventeen times in the year of 1949;

WHEREAS, such condition renders insecure the lives of thousands of persons by the creation of a health and agricultural hazard endangering their health and destroying three of every four crops sown by them; and

WHEREAS, said Clark's River by Act of Congress is to be navigable for a distance of forty miles from its mouth, but the unnavigable condition thereof materially contributes to the flood hazard of said river;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

Sec. 1. That the Congress of the United States is memorialized to take immediate steps to effectuate adequate flood control of Clark's River.

Sec. 2. The Clerk of the House of Representatives is directed to send a copy of this resolution to each United States Senator and Representative in Congress from Kentucky.

Said resolution was adopted.

Messrs. Baer and Hayes offered the following resolution, viz:

H. Res. No. 68. A JOINT RESOLUTION providing for a complete and thorough study and survey of Child Welfare in Kentucky including existing laws relating thereto with a view of preparing a proposed Children's Code to coordinate and revise existing laws and regulations and study needs for remedial legislation in order to provide Kentucky with an effective Children's Code.

WHEREAS, during the history of the Commonwealth various laws have passed which affect the children; and

WHEREAS, some of these Statutes are now obsolete, obscure, and contradictory and do not meet the needs of present conditions; and

WHEREAS, many thousands of dollars of tax-supported funds are being expended by the various, and many times uncoordinated agencies; and

WHEREAS, there is a real need for proper coordination of various children's services and a redefining of the objectives;

NOW, THEREFORE,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Legislative Research Commission be and is hereby authorized and directed to make and conduct a thorough survey of Child Welfare in Kentucky, including existing laws relating thereto together with such recommendations and changes in administrative organization, regulations or laws as may be needed to provide a complete up-to-date Children's Code for the Commonwealth.

The Governor shall appoint an Advisory Citizens Committee on Child Welfare to be composed of not less than seven (7) and not more than eleven (11) members. This Committee shall be appointed from outstanding citizens representing various groups interested in Child Welfare and with knowledge of the problems involved. This Committee shall work in close cooperation with the Legislative Research Commission or such sub-committee as may be appointed for this particular research project and advise with the Commission and its research staff concerning child welfare problems in the State. This advisory committee on child welfare will continue in existence until March 31, 1952, whereupon its existence shall cease.

On or before December 1, 1951, the Legislative Research Commission shall report to the members of the General Assembly and to the Governor of the Commonwealth the results of the study and survey together with such recommendations as the Commission shall deem it desirable.

Ordered that said resolution be referred to the Committee on Rules.

Mr. Polsgrove moved that the motion hour be extended ten minutes for the purpose of hearing Mr. Waterfield speak.

Said motion was agreed to.

Thereupon, Mr. Waterfield addressed the members of the House.

Mr. Weintraub moved that the motion hour be extended ten additional minutes.

Said motion was agreed to.

Mr. Waterfield moved that the Clerk of the House be directed to require the Director of the Legislative Research Council to file a report to the House of the Public Administration Service of Chicago, Illinois, dealing with compensation of State officials.

The yeas and nays being required thereon by Mr. Waterfield and Mr. Weintraub were as follows, viz

Those who voted in the affirmative were—

Leonard T. Bean	John Martin	Carl J. Ruh
John D. Beatty	Jack McPherron	Roy Steers
Thomas L. Britton	Alton Mitchell	Harry Lee Waterfield
R. C. Estepp, Sr.	Emmett G. Moore	Lyle H. Webb
Henry C. Hale	Dr. C. E. Palmore	Morris Weintraub
Maurice G. Howard	Leonard W. Preston	Charles W. Wirsch
Homer E. Losey		—19

Those who voted in the negative were—

Bernam Adams	Alex Calvert	John A. Head
Sidney Baer	Paul Combs	William K. Henry
Walter J. Bailey	R. Josh Cosby	Ray Holbrook
Clarence J. Barnum	B. H. Crider	Woodrow W. Hollan
C. E. Baumgardner	Owen Deering	W. M. Horn
Fred Beshear	G. I. Drury	Richard R. Houpt
Edward O. Bridgers	Thomas R. Duncan	Durham W. Howard
Charles J. Bronston	Mitchell . Fannin	Robert N. Hubbard
J. D. Buckman, Jr.	James P. Hanratty	Silas Jacobs
Charles W. Burnley	Paul E. Hayes	William Jones

Mrs. J. T. Linton	James H. Polsgrove	Joseph T. Snapp
A. L. (Chick) Love	Hobart Rayburn	John M. Spaulding
Harry K. Lowman	W. R. Reasor	Raymond D. Stigall
True Mackey	Dr. Roy Sanders	Mrs. Thelma Stovall
William T. Marshall	Roy Searcy	W. R. Stringer
G. Lee McClain	Paul E. Shannon	Egbert V. Taylor
Archie R. Moore	Gus Sheehan, Jr.	M. G. Thompson
Walter R. Moorman	Jesse H. Shelton	Rev. T. H. Tinsley
C. S. Nabb	Forest Smith	Fred M. Warns

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Thereupon, said motion was disagreed to.

Mr. Hollan of the Committee on Enrollment reported that they had examined and found to be correctly enrolled bills of the following titles, viz:

H. B. No. 22. AN ACT relating to the meetings of boards of commissioners in cities operated under the City Manager form of government, amending Section 89.550 of the Kentucky Revised Statutes.

H. B. No. 95. AN ACT relating to penalties for violation of laws concerning pharmacists, amending Section 315.990 of the Kentucky Revised Statutes.

H. B. No. 148. AN ACT amending Sections 176.260 and 176.270 of the Kentucky Revised Statutes relating to the fiscal year for the Department of Highways and the State Road Fund, thereby permanently changing the fiscal year and extending each fiscal year in order to effect the change; and appropriating additional monies for the extended periods to the State Road Fund; appropriating additional monies for the extended periods from the State Road Fund to the Department of Highways, the Division of Rural Highways, and the Department of State Police; and further appropriating additional monies for the year 1950-51 from the State Road Fund to the Agricultural and Industrial Development Board.

H. B. No. 162. AN ACT relating to agricultural seeds; making provisions for the production, supplying, furnishing and dis-

tribution of seed stocks or foundation seeds, and including provisions for appropriation of funds therefor.

H. B. No. 177. AN ACT relating to cities of the second class.

H. B. No. 183. AN ACT changing the classification of the City of Martin, in Floyd County, and declaring an emergency.

H. B. No. 213. AN ACT to protect the blind and incapacitated pedestrians on public streets and highways; requiring vehicles to come to a full stop in certain cases; restricting the use of certain colored canes by other pedestrians; and imposing penalties.

H. B. No. 237. AN ACT relating to medical examination or furnishing of records as a condition of employment.

Thereupon, all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills to the Senate.

At the instance of the Committee on Rules, the following bills were introduced, viz:

By Mr. Baer.

H. B. No. 437. AN ACT relating to county attorneys and assistant county attorneys in counties having a population of 250,000 or more, amending Sections 69.280, 29.290, 69.300 and 69.310, of the Kentucky Revised Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 69.280 of the Kentucky Revised Statutes is hereby amended and as amended reads:

In counties having a population of 250,000 or more the county attorney shall appoint a first and a second assistant county

attorney and may appoint such additional assistant county attorneys as he deems necessary for the proper conduct of the duties of the office, subject to the approval of the fiscal court. The assistant county attorneys shall be appointed for terms of four years subject to removal at any time by the county attorney.

Section 2. Section 69.290 of the Kentucky Revised Statutes is hereby amended and as amended reads:

The annual salaries of the first and second assistant county attorneys in counties having a population of 250,000 or more shall continue as now fixed by law and the annual salaries of additional assistant county attorneys shall be as fixed by the county attorney as approved by the fiscal court. The salaries of all assistant county attorneys shall be paid out of the county levy in equal semi-monthly installments, provided however, such salaries may be increased or decreased to the amounts fixed by the county attorney by written recommendation to the fiscal court of the county, which recommendation shall become effective upon its approval by resolution of the fiscal court.

Section 3. Section 69.300 of the Kentucky Revised Statutes is hereby amended and as amended reads:

The assistant county attorneys in counties having a population of 250,000 or more shall possess the qualifications of a county attorney and shall have the same powers and perform the same duties that county attorneys have and perform, except that they shall be under the direction and control of the county attorney.

Section 4. Section 69.310 of the Kentucky Revised Statutes is hereby amended and as amended reads:

In the absence of the county attorney in counties having a population of 250,000 or more, the first assistant shall act as county attorney, and in the absence of the county attorney and the first assistant, the second assistant shall act as county attorney. The assistants shall not receive additional compensation for acting as county attorney.

Section 5. It appearing that the duties of the county attorney in counties having a population of 250,000 or more, are

increasing in number and complexity, that his present staff is inadequate in numbers to man the office properly, and that the public welfare demands augmentation in the number of his assistants, an emergency is hereby declared to exist and this act takes effect upon passage and approval by the Governor.

Section 6. If any section of this act or part thereof is declared unconstitutional by a court of last resort, such shall not affect the validity of the remaining sections hereof or parts thereof.

By Messrs. Morgan and Burnley.

H. B. No. 438. AN ACT relating to the times and places of holding circuit court in the second circuit court district, amending the introductory clause and subsection (2) of Section 23.050 of the Kentucky Revised Statutes.

Said bill is follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. The introductory clause and subsection (2) of Section 23.050 of the Kentucky Revised Statutes are amended to read as follows:

The regular term of each court shall commence in each county at the following named time, and continue, if the business requires it, the number of days hereinafter prescribed:

(2) Second District. McCracken County, at Paducah, on the second Monday in January, first Monday in February, first Monday in March and second Monday in April, eighteen juridical days each; on the first Monday in May, twenty-four juridical days; on the first Monday in June, second Monday in September, first Monday in October and second Monday in November, eighteen juridical days each; on the first Monday in December, twelve juridical days.

"Marshall County, at Benton, on the fourth Monday in March, twelve juridical days; on the fourth Monday in June,

eighteen juridical days; on the fourth Monday in October, twelve juridical days.

Sec. 2. This Act shall not become effective until September 1, 1950.

Ordered that said bills be printed and referred to the Committee on Rules.

The Committee on Rules to which the same had previously been referred, reported bills and resolutions of the following titles, viz:

H. B. No. 156. AN ACT relating to Fire Insurance Rates.

H. B. No. 266. AN ACT to repeal the tax on the sale of admission to places of amusement or entertainment, including admission to motion picture theatres, the same being accomplished by repealing Sections 138.010, 138.020, 138.030, 138.040, 138.050, 138.060, 138.070, 138.080 and 137.030 and subsections (1) and (2) of Section 138.990 of the Kentucky Revised Statutes.

H. B. No. 264. AN ACT relating to the compensation of court-appointed attorneys.

H. Res. No. 52. A RESOLUTION authorizing the payment to the estate of Clarence Miller, deceased, of a claim of said Clarence Miller for expenses incurred as Commissioner of Finance of the Commonwealth of Kentucky, and appropriating the necessary sum to pay said claim out of the General Fund.

H. B. No. 420. AN ACT relating to the qualifications and licensing of dentists.

H. B. No. 197. AN ACT providing that certain types of employment shall not constitute "covered employment" under the Unemployment Compensation Act.

H. B. No. 51. AN ACT relating to poultry and hatching eggs.

S. B. No. 126. AN ACT relating to public improvements and the financing thereof in cities other than those of the first class.

H. B. No. 126. AN ACT to amend and re-enact Section 145 of the Constitution of the Commonwealth of Kentucky.

S. B. No. 31. AN ACT relating to school building funds, with particular reference to taxes for building fund purposes.

H. B. No. 94. AN ACT relating to the compensation of marshals of county police forces; amending Section 70.560 of the Kentucky Revised Statutes.

H. B. No. 246. AN ACT relating to a tax on a judgment decreeing a divorce.

H. B. No. 378. AN ACT relating to compulsory school attendance, amending Section 159.150 and subsection (1) of Section 159.990 of the Kentucky Revised Statutes.

H. B. No. 418. AN ACT relating to the transportation of persons for hire.

H. B. No. 170. AN ACT relating to cigarette taxes, amending subsection (1) of Section 138.140 of the Kentucky Revised Statutes and making an appropriation.

S. B. No. 154. AN ACT relating to contracts and agreements required to be in writing.

S. B. No. 171. AN ACT relating to administration and enforcement of the law with respect to securities; abolishing the Division of Securities in the Department of Business Regulation and creating a Division of Securities in the Department of Banking; providing for a revolving trust or agency fund for securities administration and enforcement within the Department of Banking Revolving Trust or Agency Fund account; and providing for a transfer of appropriations.

S. B. No. 180. AN ACT relating to the ad valorem tax for state purposes upon unmanufactured agricultural products.

S. B. No. 184. AN ACT relating to motor vehicles including the registering and licensing of manufacturers, dealers and operators of motor vehicles.

S. B. No. 191. AN ACT amending Section 148.200 of the Kentucky Revised Statutes, relating to the Old State Capitol Park.

H. B. No. 426. AN ACT relating to the State Board of Health, amending Section 211.040 of the Kentucky Revised Statutes.

H. Res. No. 45. A JOINT RESOLUTION granting to W. J. Curtis the right of sepulture in Blue Licks Battlefield State Park, with provisions for a suitable plaque to mark his grave.

H. B. No. 320. AN ACT to create a court of continuous session in the Thirty-Fifth Judicial District composed of Pike County alone.

H. B. No. 247. AN ACT to amend and re-enact Section 586 of the Kentucky Civil Code of practice.

H. B. No. 106. AN ACT relating to the excise tax on parimutuel betting at running and trotting horse tracks; amending Section 138.510 of the Kentucky Revised Statutes so as to provide for increase of the tax; and providing for the disposition of the revenue from the tax.

H. B. No. 267. AN ACT to provide for civil service and pensions for county employees.

S. B. No. 99. AN ACT relating to fire prevention and protection and declaring an emergency to exist.

H. B. No. 101. AN ACT relating to juvenile affairs; providing, among other things, for jurisdiction of courts in juvenile and related matters; for court clerks, stenographers, and commissioners; for the handling and disposition of juvenile matters; for advisory boards; for a State Commission on Juvenile Affairs; for probation officers; and making an appropriation.

S. B. No. 124. AN ACT relating to cities of the third class and amending subsection (6) of Section 92.150, Kentucky Revised Statutes, 1948 Edition.

H. B. No. 331. AN ACT relating to the fees of sheriffs.

H. B. No. 303. AN ACT amending the law relating to holidays, so as to include as a holiday St. Patrick's Day (March 17).

S. B. No. 50. AN ACT relating to meetings of the legislative bodies of cities of the fourth class.

H. B. No. 144. AN ACT relating to the distribution of the House and Senate Journals, amending Section 57.310 of the Kentucky Revised Statutes.

H. B. No. 352. AN ACT relating to members of the police department in cities of the fourth class.

H. B. No. 359. AN ACT relating to absent voting.

H. B. No. 390. AN ACT relating to the registration of motor vehicles.

H. B. No. 411. AN ACT relating to candidates for public positions and jobs.

With the expression of opinion that same should pass.

Whereupon, said bills and said resolutions were each and severally read at length for the first time and

Ordered placed in the Calendar.

The House took up for consideration from the Calendar bills of the following titles, viz:

H. B. No. 241. AN ACT relating to expense accounts of State officers and employees.

H. B. No. 401. AN ACT relating to the reappraisal of property for ad valorem taxes in cities, counties and other districts.

H. B. No. 133. AN ACT relating to school districts.

H. B. No. 353. AN ACT relating to deferment of ad valorem taxes by taxpayers in certain instances.

S. B. No. 78. AN ACT relating to elections, including all the elections provided for by Chapter 89 of the Kentucky Revised Statutes.

H. B. No. 417. AN ACT relating to district detectives.

H. B. No. 87. AN ACT recognizing the rendered public service of the Commonwealth's War Veterans who served in a dual capacity for the sovereign United States and the sovereign Commonwealth of Kentucky and making provision for a State Bonus for veterans of World War I who served between April 6, 1917 and November 11, 1918 and of World War II who served between December 7, 1941, and September 2, 1945, and in case of deceased members, to their next of kin as herein defined; including provisions for the raising of funds with which to pay such bonus by means of a plan involving an annual drawing for prizes, contingent upon the skill of the participant, based upon the running and order of finish of the Kentucky Derby, by the holders or the agents of the holders of tickets or certificates upon the distribution of which an excise tax shall be levied; proposing an amendment to the Constitution to permit such plans, or a similar plan, to be executed; authorizing the issuance of revenue bonds or warrants against anticipated receipts or revenue from such plan; and providing for the use of any receipts or revenues received in excess of the bonus requirements for the increasing of teachers salaries and old age assistance payments, improving the standards of the mental institutions, and otherwise for education, health, welfare, and public assistance; and exempting the Kentucky Derby Commission from the provisions of Section 436.360 of the Kentucky Revised Statutes.

H. B. No. 421. AN ACT relating to common schools with particular reference to entrance age requirements.

S. B. No. 173. AN ACT relating to officers and employes of cities of the second class operating under the commission form of government.

H. B. No. 3. AN ACT relating to Elections, with particular relation to the compensation of election officers.

H. B. No. 363. AN ACT relating to assistant county attorneys in counties containing a city of the second class, repealing section 69.275 of the Kentucky Revised Statutes.

H. B. No. 309. AN ACT relating to the establishment of a new city in Campbell County, Kentucky, to embrace certain existing cities and unincorporated territory adjacent thereto, and including provisions concerning an independent school district to be embraced within such new city.

H. B. No. 59. AN ACT relating to the financial responsibility of owners and operators of motor vehicles.

H. B. No. 274. AN ACT relating to the powers of counties with respect to regulation of the construction, reconstruction, relocation, remodeling, repair and maintenance of buildings in unincorporated territory within the county.

H. B. No. 161. AN ACT relating to the equipment of rail track motor cars used or furnished by common carriers by railroad for transporting employes; providing for the extension of necessary time in which to equip said cars; and penalizing those carriers who operate or furnish for operation such unequipped cars to their employes for transportation to or from their place or places of labor.

S. B. No. 98. AN ACT repealing and re-enacting Section 93.300, Kentucky Revised Statutes, relating to the apportionment of the cost of elimination of grade crossings between the railroad companies and cities of the first class.

H. B. No. 377. AN ACT concerning the imposition, collection, disposition of license taxes; restriction on ad valorem taxation; and the issuance and enforcement of licenses in cities of the first class.

H. B. No. 392. AN ACT relating to county and community fairs, amending Section 247.220 and repealing Section 247.230 of the Kentucky Revised Statutes and making an appropriation.

H. B. No. 155. AN ACT relating to telephone rates.

H. B. No. 254. AN ACT to provide that utility companies serving counties containing cities of the first class shall furnish to the County Tax Commissioner the names and addresses of their customers, including changes thereof.

H. B. No. 327. AN ACT relating to stenographic reporters for circuit courts.

Ordered that said bills to be read at length for the second time.

Mr. Hanratty moved that the Constitutional provision as to the second reading at length of said bills be dispensed with, and same to be read for the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills having been dispensed with, said bills were read for the second time by their titles only and

Ordered placed in the Orders of the Day.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 258. AN ACT relating to motor transportation and motor vehicles.

With Committee amendments thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. *Declaration of Policy.* It is hereby declared to be the public policy of this Commonwealth to provide for fair and impartial regulation of all transportation subject to the provisions of this Act, so administered as to recognize and preserve the inherent advantages of each type of motor transportation; to promote safe, adequate, economical and efficient service and foster sound economic conditions in transportation and among the several carriers; to encourage the establishment and maintenance of reasonable charges for such transportation service, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; to co-operate with the several states and the duly authorized officials thereof, all to the end of developing, co-ordinating and preserving a State transportation system by motor vehicles as defined in this Act adequate to meet the needs of this Commonwealth. All of the provisions of this Act shall be administered and enforced with the view to carry out the above declaration of policy.

2. To carry out the declaration of policy, there is hereby created a statutory administrative department of the State government within the meaning of K. R. S. Chapter 12, which shall be known and designated as the Department of Motor Transportation.

3. The Department of Motor Transportation shall be headed by the Commissioner of Motor Transportation, appointed by the Governor, who shall be the chief executive officer and shall have sole charge of the administration of the Department.

4. The Commissioner shall appoint not more than two assistant commissioners and such other personnel as may be necessary for the proper administration of the Department.

5. *Qualifications of Commissioner and Assistant Commissioners.* The Commissioner and assistant commissioners shall be over twenty-eight years of age, shall be residents of Kentucky for more than five years, and shall be selected on the basis of training, experience and qualification for their position.

6. The Department of Motor Transportation shall exercise all administrative functions of the State in relation to motor transportation as defined in this Act, and shall apply, as far as practicable, the administrative and judicial interpretations of the Federal Motor Carrier Act. It shall have the right to regulate motor carriers as provided in this Act, and to that end may establish reasonable requirements with respect to continuous and adequate service of transportation, systems of accounts, records and reports, preservation of records and safety of operation and equipment. It may issue subpoenas, subpoenas duces tecum and orders of personal attendance for the attendance of witnesses, and production of pertinent records, for any proceeding before it, and permit the taking of depositions, all in accord with the Civil Code of Practice, and it shall have the power to make such rules and regulations as it may deem necessary to carry out the provisions of this Act.

7. *Definitions.* As used in this Act, unless the context requires otherwise—

(a) The term "person" means any individual, firm, partnership, corporation, company, association or joint stock association, and includes any trustee, assignee or personal representative thereof.

(b) The term "department" means the Department of Motor Transportation.

(c) The term "certificate" means a certificate of public convenience and necessity issued under this Act to common carriers by motor vehicle authorizing their operation thereunder.

(d) The term "permit" means a permit issued under this Act to contract carriers by motor vehicle.

(e) The term "State" means the Commonwealth of Kentucky.

(f) The term "interstate commerce" means commerce between any place in a state and any place in another state.

(g) The term "intrastate commerce" means commerce between any place in this State and any other place in this State.

(h) The term "highway" means all public roads, highways, streets and ways in this State, whether within a municipality or outside of a municipality.

(i) The term "motor vehicle" means any motor propelled vehicle used for the transportation of persons or property for hire on a public highway, including any such vehicle operated as a unit in combination with other vehicles, and including vehicles propelled by electric power obtained from overhead wires whether operating over rails or otherwise.

(j) The term "common carrier by motor vehicle" means any person who holds himself out to the general public to engage in the transportation by motor vehicle or persons or property in intrastate or interstate commerce over regular routes, except as provided for in subsection (d) of Section 12 of this Act, and except that taxicabs as hereinafter defined are not required to move over regular routes.

(k) The term "contract carrier by motor vehicle" means any person who, under individual contracts or agreements, engages in the transportation, other than transportation referred to in subsection (j), by motor vehicle of passengers or property in interstate or intrastate commerce.

(l) The term "carrier" or "motor carrier" means any person who owns, controls, operates, manages or leases, except persons leasing to authorized carriers, any motor vehicle for the transportation of persons or property for hire upon any highway. It shall include the operation of common and contract carriers, city and suburban busses and driveaways.

(m) A "city bus certificate" means a certificate granting authority for the operation of motor vehicles carrying passengers for hire between points within the corporate limits of one city and over regular routes.

A "city bus" is a bus when being operated under one or more city bus certificates.

(n) A "suburban bus certificate" means a certificate granting authority for the operation of motor vehicles carrying pas-

sengers for hire operated exclusively within the confines of one or more cities and their suburban area, or a suburban area, over regular routes but not engaged in intracity transportation.

A "suburban bus" is a bus when being operated under one or more suburban bus certificates.

(o) "Suburban area" means territory wholly within the State of Kentucky which extends not more than two air miles beyond the corporate limits of any municipality and one mile additional for each fifty thousand population or major fraction thereof, and, where one or more municipalities are contiguous or adjoining, the combined population of such contiguous or adjoining municipalities shall be considered in determining the suburban area of each such contiguous or adjoining municipality; provided, however, the Department may, from time to time, upon a showing, as hereinafter provided, authorize and permit the holder of a suburban bus certificate to extend its operations beyond the territorial limits of any such cities for a distance not to exceed ten (10) miles, if said Department finds:

(1) That the territory proposed to be served adjoins or is contiguous to said city; and

(2) That the territory proposed to be served has such density of population and that the physical, business, economic and social interest is such as to make it an integral part of the city to which it adjoins or is contiguous and that it would be in the public interest and to the benefit of persons residing in said territory that they be served by the holder of a city or suburban bus certificate.

(p) The term "U-Drive-It" means a motor vehicle let out for hire, leased or rented for the transportation of persons or property but for which no driver is furnished, and the use of which motor vehicle is not for the transportation of persons or property for hire by the lessee or rentee.

(q) The term "taxicab" means any common carrier motor vehicle designed or constructed to transport passengers not more than six in number exclusive of the driver, the principal

operation of which is confined to the corporate limits of one city and its suburban area and not operating over any regular route, and the destination of which is designated by the passengers at the time of such transportation.

(r) The term "exempted commodities" means such commodities that are normally and usually not transported by common carriers by motor vehicle.

(s) The term "driver" or "chauffeur" means the person physically operating the motor vehicle.

(t) The term "industrial bus" means a motor vehicle designed for the transportation of persons for hire which is used exclusively for the transportation of employees of an industry to and from their place of employment and which is operated over a route not exceeding thirty (30) miles in length and for which only commuter tickets are sold by the industry designated.

(u) The term "regular seat" means a seat ordinarily and customarily used by one passenger and in determining such seating capacity the manufacturer's rating may be considered.

(v) The term "driveaway" means the transporting and delivering of motor vehicles under their own power or by means of a full mount method, the saddle mount method, the tow bar method or any combination of them, over the highways of this State from any point of origin to any point of destination for hire.

(w) The term "city bus license" means a license plate issued to a bus authorizing its operation under one or more city bus certificates or a combination of city bus certificates and suburban bus certificates.

(x) The term "suburban bus license" means a license plate issued to a bus authorizing its operation under one or more suburban bus certificates.

8. *Exemption of motor vehicles used for certain purposes.* The provisions of this chapter shall not apply, except as to safety regulations, to—

(a) Motor vehicles used as school busses and while engaged

in the transportation of students, under the supervision and control and at the direction of school authorities.

(b) Motor vehicles, regardless of ownership, used exclusively:

(1) For the transportation of agricultural and dairy products (including fruit, livestock, meats, fertilizer, wood, lumber, cotton, products of grove or orchard, poultry and eggs), while owned by the producer of the products (including landlord where the relation of land-land and tenant or landlord and cropper is involved), from the farm to a market, warehouse, dairy or mill, or from one market, warehouse, dairy or mill to another market, warehouse, dairy or mill; or

(2) For the transportation of agricultural and dairy products, livestock, farm machinery, feed, fertilizer, and other materials and supplies essential to farm operation, from market or shipping terminal to farm; or

(3) For both of the purposes described in paragraphs (1) and (2) of this subsection; or

(4) For the transportation of agricultural and dairy products from farm to regularly organized fairs and exhibits and return.

(c) Motor vehicles used as church busses and while engaged in the transportation of persons to and from a church or place of worship or for other religious work under the supervision and control and at the direction of church authorities.

(d) Motor vehicles used exclusively in transporting materials, supplies and equipment for the construction, reconstruction or maintenance of any public highway, road or street in this State.

(e) Motor vehicles used for the exclusive transportation of members of the armed forces on educational or recreational trips under the supervision and control and under the exclusive direction of military authorities. Such vehicles, however, shall be insured as other vehicles under this Chapter. This exclusion shall be limited to the duration of any National Emergency.

The following motor vehicles shall be exempt, except as to safety regulations, from the provisions of this Chapter, provided that an application for such exemption is made and an exemption permit is issued by the Department. The application shall be made in the manner prescribed by the Department. The applicant shall be entitled to a hearing on the application if it is denied by the Department.

(f) Motor vehicles used for the transportation of property for hire operating exclusively within the limits of one or more cities and their suburban areas.

(g) Motor vehicles used exclusively for the transportation of property belonging to a non-profit co-operative association or its members where the vehicle is owned or leased exclusively by the association.

(h) Motor vehicles used exclusively as U-Drive-Its as heretofore defined, except that passenger vehicles shall pay a seat tax as provided in subsection (c) of Section 50, and except that no person shall engage in the business of operating a U-Drive-It until such person has complied with the provisions of KRS 187.640 regarding insurance and has filed with the Department a certification from the Department of Revenue that the operator is properly covered by the required bond or insurance.

9. *Regulation of Interstate Commerce.*

(a) The provisions of this Chapter shall apply to interstate commerce, except insofar as such application is in conflict with any provision of the Constitution of the United States or the Acts of Congress.

(b) The Commissioner may grant a certificate of convenience and necessity for the transportation of persons or property for compensation in interstate commerce, and may regulate such interstate commerce under the authority of and in accordance with the provisions of any Act of Congress vesting in or delegating to the Commissioner such authority as an agency of the United States Government. The Commissioner may notify the proper department of the Federal Government of his assent to

the requirements and conditions of such an Act of Congress in regard to interstate commerce by motor vehicle.

10. *A motor carrier must obtain a certificate or permit.* No person shall act as a motor carrier without first having obtained a certificate or permit, as the case may be, from the Department.

11. *Application for a certificate or permit, or an amendment or transfer or sale or change in route or abandonment.*

(a) Every applicant for a certificate or permit or for amendment or transfer or sale or change in route or abandonment of a certificate or permit shall apply for same to the Department in such form and the application shall contain such matters as the Department may prescribe.

(b) For the filing of such application the Department shall receive a fee of twenty-five ($25.00) dollars.

12. *Hearing; notice to interested persons.*

(a) Upon the filing of an application for a certificate or permit or for amendment or sale or transfer or change in route or abandonment of a certificate or permit, the Department shall, within a reasonable time, fix the time and place for a hearing. At least thirty (30) days before the hearing, the Department shall mail written notice of the hearing, and of the right to file a protest, in accordance with the requirements of the Department, to the applicant and every authorized carrier, including railroads, serving any part of the route to be served by the applicant, and to the county attorney and the county judge of each county in which the applicant proposes to render service, and to any other person who, in the opinion of the Department, may be interested in or affected by the granting of the application.

(b) At the time fixed in the notice the Department shall hold a public hearing on the application. Any person having interest in the subject matter may, in accord with the rules prescribed therefor, file a protest to the granting, in whole or in part, of the application.

(c) The Department may, if the application is solely for

rights previously granted by the Interstate Commerce Commission, dispense with the holding of a hearing.

(d) If such applicant has been granted an irregular common carrier certificate by the Interstate Commerce Commission, the Department may grant, under this section, an irregular common carrier certificate restricted to operation in interstate commerce, and on the granting of same it shall notify the Department of Revenue of the applicant's operation.

(e) The Department shall have the power to designate certain commodities as exempted commodities as defined herein, and may grant a permit, upon application, to transport such exempted commodities without the holding of a hearing.

13. *Basis for granting or refusing a certificate or permit, or an amendment or transfer or sale or change in route or abandonment of a certificate or permit.*

(a) A certificate shall be granted to any qualified applicant therefor authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing and able properly to perform the service proposed and to conform to the provisions of this Act and the requirements, rules and regulations of the Department thereunder, and further, that the existing transportation service is inadequate, and that the proposed service to the extent to be authorized by the certificate is, or will be, required by the present and future public convenience and necessity, and that the proposed operation to the extent authorized by the certificate will be consistent with the public interest and the transportation policy declared in this Act; otherwise the application shall be denied.

No certificate shall be issued for the operation of an industrial bus, even if public convenience and necessity is shown, unless existing common carriers serving the route, or any part thereof, or the contiguous territory, shall refuse to furnish the service found to be necessary within thirty days after the hearing.

(b) (1) In granting a certificate the order, among other things, shall specify the routes or service and territory to be served but shall not limit the number of motor vehicles to be

operated by the motor carrier, except that, in the granting of a certificate for the operation of taxicabs, the order shall specify the maximum number of taxicabs to be operated thereunder.

(2) A carrier shall be entitled to have issued to it by the Department as many certificates, and of such types, as will cover its entire authorized operation.

(c) A permit shall be granted to any qualified applicant therefor authorizing in whole or in part the operations covered by the application, if it appears from the application and the hearing held thereon that the applicant is fit, willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to the provisions of this Act and the lawful requirements, rules and regulations of the Department thereunder, and that the proposed operation to the extent authorized by the permit will be consistent with the public interest and the transportation policy declared in this Act, and that it will not unreasonably impair the efficient public service of any authorized common carrier then adequately serving the same territory; otherwise such application shall be denied. The Department shall specify in the permit the business of the contract carrier covered thereby and the scope thereof, and shall attach to it at the time of issuance, and from time to time thereafter, such reasonable terms, conditions and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out with respect to the operations of such carrier the requirements established by the Commission.

(d) Amendment or change of route or abandonment of a certificate or permit shall be granted upon the same basis that an original certificate or permit is granted.

(e) Any certificate or permit may be sold, assigned, leased or transferred, after a hearing and notice to interested parties as heretofore provided for, provided the transferee is fit, willing and able to render the proposed service, unless it would be against the public interest.

(f) For the purpose of this section, a transfer of the controlling stock of a corporation owning a certificate or permit may be considered a transfer of said certificate or permit.

14. Notwithstanding anything contained in this Act:

(a) All cities of the Commonwealth are vested with the power to sell franchises or, where no franchise is sold, grant authorizations for the operation of city busses over its streets and highways; provided, however, no person shall apply for or obtain any such franchise from any city without a prior finding by the Department, after a hearing, that there is a demand and necessity for the service sought to be rendered, which finding shall be valid and effective for a period of one year from and after the date thereof, exclusive of any delay due to the order of any court.

Upon certification by the Department to such city that there is a demand and necessity for the service sought to be rendered, any city may award any duly qualified person a franchise or authorization covering the proposed operation.

Upon acquiring such a franchise or authorization, the holder thereof shall apply to the Department of Motor Transportation for a city bus certificate which shall be issued to the holder of the franchise or authorization without a hearing.

Unless a certificate is exercised within one year from the grant thereof, exclusive of any delay due to the order of any court, the authority conferred by the issuance of the certificate of convenience and necessity shall be void.

(b) The applicant for a certificate or renewal of a certificate to operate a city bus shall at the time of application file with the Department a map or maps showing the route or routes and territory proposed to be served, together with a time schedule, and shall thereafter, during the license year, file only such additional maps or time schedules as the Commissioner may require.

(c) The governing body of any city of the first four classes in the Commonwealth in which city busses operate shall have

supervisory and regulatory power over such city busses, while operating in such city, and shall have authority to enforce all ordinances or regulations pertaining to routes, services, time schedules and operation of said city busses and the drivers thereof, provided that any interested party may appeal to the Department from any action, finding or order of any such city within thirty (30) days after the entry of such action, finding or order, and a hearing shall be held before the Department in the same manner as other hearings are held as provided for in this Act; provided, however, that any such action, finding or order of any such city shall be sustained if there is substantial evidence or reason to support it; otherwise the Department shall make such orders as it deems necessary and proper. However, where a carrier's entire operation is confined to intracity transportation within the corporate limits of a single city, there shall be no appeal to the Department from the actions, findings or orders of such a city.

Provided further, that where any city bus is subject to the regulatory powers of more than one city and such regulations are in conflict or such as to impede the transportation facilities serving such cities, or the carrier is failing to furnish safe, adequate and convenient service to the public, the Department may, upon complaint or on its own initiative, call a hearing and enter such orders as are necessary and proper.

(d) The governing body of any city of the first five classes in the Commonwealth in which taxicabs operate shall have supervisory and regulatory power over taxicabs certificated to operate in said city, and while operating in said city, and shall have authority to enforce all ordinances or regulations pertaining to the number and operation of taxicabs, provided that any interested party may appeal to the Department from any action, finding or order of any city within thirty (30) days after the entry of such action, finding or order, and a hearing shall be held

before the Department in the same manner as other hearings are held as provided for in this Act; provided, however, that any such action, finding or order of any such city shall be sustained if there is substantial evidence or reason to support it; otherwise the Department shall make such orders as it deems necessary and proper. However, where a carrier's entire operation is confined to intracity transportation within the corporate limits of a single city, there shall be no appeal to the Department from the actions, findings or orders of such a city.

(e) The governing body of any city of the first five classes in the Commonwealth is hereby vested with the exclusive power to prescribe the qualifications with respect to the health, vision, sobriety, intelligence, ability, moral character and experience of the drivers of taxicabs certificated to operate in said city, and while operating in said city, and may issue permits for qualified drivers. However, any taxicab driver must also possess a Kentucky operator's license.

(f) Until such time as any city of the Commonwealth enacts such ordinances or prescribes such rules and regulations as may be reasonably necessary to exercise the prior powers herein delegated to such cities respecting the supervision and regulation of city busses, taxicabs and taxicab drivers, the Department shall possess such powers and may, by regulation, prescribe such rules as may be reasonably necessary to supervise and control city busses, taxicabs and taxicab drivers, having regard for the public safety and the public need for service.

(g) If any city fails to exercise any of the authority granted it herein, such authority shall be vested in the Department.

(h) The power to regulate rates fixed by agreement with a city. The Department may, under the provisions of this Act, originate, establish, change, promulgate and enforce any rate that has or may be fixed by any contract, franchise or agreement between the holder of any city bus certificate and any city, and all rights and obligations arising out of such contract regulating any such rate shall be subject to the jurisdiction and supervision of the Department, but no such rate shall be changed nor any

contract, franchise or agreement affecting it be abrogated or changed until a hearing has been had.

15. *Conduct of hearings.* Hearings before the Department shall be held at the most convenient place for the parties and witnesses. The hearings shall be conducted by an Examiner appointed by the Commissioner who shall be a practicing attorney in this State and who shall be a full-time employee of the Department. After the final conclusion of the hearing the Examiner shall make a report and recommended order, which report and recommended order shall contain a finding of fact and a conclusion of law, and such report and recommended order shall be served by registered mail upon each of the parties. Any of the parties thereto may, within twenty (20) days after the day of the service of the report and recommended order, file and serve exceptions thereto and reasons in support thereof. Replies may be served and filed within twenty (20) days after the service of the exceptions. Thereafter the Commissioner or one of the assistant commissioners shall consider and pass upon the case. When passed upon by the Commissioner or when passed upon by an assistant commissioner and approved by the Commissioner, the decision shall be served by registered mail upon all parties, and shall be a final order of the Department. The report and recommended order will not become the decision of the Department through failure to file exceptions, but in the absence of exceptions ordinarily will be taken by the Department as the basis of its decision. However, nothing herein contained shall prevent the Commissioner from holding or conducting any hearing, referred to herein, in regard to rates, fares and charges, and his decision shall be the final order of the Department.

16. *New applications when certificate or permit or an amendment or sale or transfer of a certificate or permit has been denied.* When any application for a certificate or permit, or for an amendment thereto or sale or transfer thereof, has been heard and denied, the Department shall not entertain another application covering the same or similar routes or service until the expiration of six months from the date of the denial, unless the denial was based upon the applicant failing to show that he was fit, willing and able.

17. *Renewal of certificate or permit or exemption permit.*

(a) Every certificate or permit or exemption permit shall be renewed before January 1st of each year. Application for renewal shall be in such form as the Department may require.

(b) No motor vehicle shall be operated after January 1st of each year unless the requisite fee as hereinafter provided for is paid.

(c) A certificate or permit or exemption permit not renewed within one calendar year after renewal date shall automatically become null and void and cannot be reinstated. Nothing herein contained shall prohibit the filing of a new application.

(d) The Department shall not renew any certificate or permit or exemption permit if such certificate or permit or exemption permit has been revoked, or if suspended, during the period of suspension. A certificate or permit shall not be considered as revoked or suspended when an appeal is pending in the Franklin Circuit Court or in the Court of Appeals from an order of revocation or suspension until said appeal has been decided by the Courts.

(e) For the renewal of any certificate or permit or exemption permit the Department shall receive a fee of twenty-five ($25.00) dollars.

18. *Insurance.*

(a) Before a certificate or any permit will be issued or renewed the applicant must file, or have on file, with the Department of Motor Transportation an approved indemnifying bond or insurance policy, issued by some surety company or other insurance carrier authorized to transact business within the State of Kentucky, which bond or policy shall be issued for such a period of time that its expiration date will be January 1 of the following year, and shall have attached thereto the State insurance endorsement. The bond or insurance must be issued in the name of the applicant, except in case of leased equipment, which may, with the approval of the Department, be covered by the insurance of the lessee. In lieu of bond or policy, there may be filed with the Department an approved Certificate of Insurance; provided, however, that the expiration date of Janu-

ary 1 above referred to shall not apply to policies the term of which is continuous and which are to remain in full force until cancelled under proper notice.

All bonds or policies shall specifically state what equipment is covered by the policy. In the event certificate is filed it shall have endorsed thereon a specific description of all equipment covered by the policy. It is further required that any and all changes in the equipment covered by the policy or bond shall be certified to the Department at once. The Commissioner may authorize the acceptance of a policy that is an overall coverage blanket policy, which does not specifically describe the equipment covered thereby.

The types and amounts of insurance to be carried on each vehicle are as follows:

MOTOR VEHICLES FOR TRANSPORTATION OF PERSONS

Capacity	Death or Injury to any One Person	Total Liability for Death or Injury to Persons	Property Damage
7 persons or less	$5,000.00	$10,000.00	$1,000.00
8 to 16 inclusive	5,000.00	15,000.00	1,000.00
17 to 25 inclusive	5,000.00	20,000.00	1,000.00
26 or more	5,000.00	25,000.00	1,000.00

MOTOR VEHICLES FOR TRANSPORTATION OF PROPERTY

Gross Weight	Death of or Injury to any One Person	Total Liability for Death of or Injury to Persons	Property Damage
5,000 lbs. or less	$5,000.00	$10,000.00	$1,000.00
More than 5,000 lbs.	5,000.00	15,000.00	1,000.00

All common carriers, except common carriers of passengers, are required to file with the Department an approved cargo insurance policy or bond, or certificate of such insurance or bond. Said policy or bond shall have attached thereto the State endorsement for cargo policy, and shall be issued by some surety

company or other insurance carrier authorized to do business in the State of Kentucky.

(b) No insurance company or insurance carrier issuing any policy filed with the Commissioner, and no surety or other obligor on any bond or contract filed with the Commissioner, shall be relieved from liability under the policy, bond or contract until after the expiration of fifteen (15) days' notice to the Commissioner of an intention to cancel the policy, bond or contract. The acceptance of such notice and the cancellation of the policy, bond or contract by the Commissioner shall not relieve the insurance company, insurance carrier, surety or obligor of any liability that accrued prior to the effective date of the cancellation.

(c) The Commissioner may exempt in whole or in part from the requirements of this Section any person who applies for such exemption and shows to the satisfaction of the Commissioner that, by reason of the financial ability of the person applying, there is due assurance of the payment of all damages for which he may become liable as a result of the operation of any vehicles owned by him.

19. *Taxicab permits to be renewed as certificates.* Any holder of a valid permit to operate a taxicab issued prior to the effective date of this Act shall be entitled, upon renewal, to a certificate to operate a taxicab under the same terms and conditions that the permit was issued, and for the same number of taxicabs licensed under said permit.

20. *Grandfathering of city bus operations, and of certificates and permits.*

(a) Any bona fide motor carrier or its successor operating city busses as of December 31, 1949, under a valid certificate, franchise, statute, authorization, or in bona fide operation on said date, shall be entitled to such certificate or certificates and of such type or types as are defined in this Act that cover their operations as of December 31, 1949.

(b) Any holder of any other type of valid certificate or permit issued prior to the effective date of this Act shall be entitled, upon renewal, to such certificates or permits, as the case may be, that will grant the holder thereof the same authority

that the certificates or permits held at the effective date of this Act granted.

(c) All certificates or permits grandfathered shall be subject to the same limitations and restrictions as were imposed on such certificate or permit.

21. *Revocation, suspension or alteration of certificate or permit.* Whenever any motor carrier is found to be violating any of the provisions of this Chapter, or any order or rule or regulation prescribed by the Department pursuant thereto, or any of the laws of this State relating to such carrier's operation upon the highways, the Department may, upon complaint or upon its own motion, issue its order to such motor carrier notifying it to appear before the Department at a fixed time and place, at which time and place the Department shall have a hearing. If the Department is satisfied, after a hearing, that the motor carrier has violated or refused to observe any of the provisions of this Chapter, or any order, rule or regulation of the Department, or any of the laws of this State relating to such carrier's operation upon the highways, the Department may suspend, revoke, alter or amend any certificate or permit issued to such carrier.

22. *Rates, fares and charges to be reasonable; service to be adequate.*

(a) Every rate, fare and charge demanded or received by any common carrier shall be just and reasonable, and every such carrier shall furnish adequate, efficient, safe and reasonable service.

(b) Every contract made by a contract carrier for transportation service shall be just and reasonable, and shall be comparable to the rate charged by any common carrier, and such contract carrier shall furnish adequate, efficient, safe and reasonable service.

23. *Filing and public inspection of rate and service schedules.*

(a) Under rules and regulations prescribed by the Department, every common carrier shall maintain on file with the Department a schedule of rates, fares, charges and classifications,

and a time schedule, if any, of all motor vehicles operated under a certificate, and shall keep open for public inspection at designated offices so much of such schedules as the Department deems necessary for public information.

(b) Under rules and regulations prescribed by the Department, every contract carrier shall maintain on file with the Department all contracts made for transportation, and shall keep open for public inspection at designated offices such contracts as the Department deems necessary for public information.

(c) No rate or contract need be filed for the transportation of any commodity that has been exempted by the Department, except that the Department may require the filing of a rate or contract.

(d) The Department shall have full power concerning the control of rates and contracts under its rules and regulations.

24. *Adherence to rates, fares and charges and schedules; discrimination.*

(a) No common carrier shall charge, demand, collect or receive a greater, less or different compensation for the transportation of persons or property or for any service in connection therewith, than the rates, fares and charges specified in its tariffs and classifications filed with the Department and in effect at the time; nor shall any common carrier refund or remit any part of the rates, fares or charges so specified, or make or give any unreasonable preference or advantage to any person, or subject any person to any unreasonable discrimination.

(b) No contract carrier shall charge, demand, collect or receive a greater, less or different compensation for the transportation of persons or property or for any service in connection therewith than that contained in the contract required to be filed with the Department and in effect at the time; nor shall any contract carrier refund or remit any part of the charges specified in the contract, or make or give any unreasonable preference or advantage to any person, or subject any person to any unreasonable discrimination.

25. *Change in rates; how made.*

(a) No common carrier shall make any change in any rate

that has been duly established under this Chapter, except after thirty (30) days' notice to the Department, stating plainly the changes proposed to be made and the time when the changed rate will go into effect. The carrier shall also give such notice of the proposed change to other interested persons and in such manner as the Department directs. All proposed changes shall be shown by filing new schedules.

(b) Whenever any schedule stating a new rate is filed with it, the Department may, upon its own initiative, and shall upon complaint and upon reasonable notice, enter upon a hearing concerning the lawfulness of the rate. Pending the hearing and decision thereon, the Department may suspend the operation of the new rate for a period of not more than six months. If after the hearing the Department finds any such rate to be unjust, unreasonable or unjustly discriminatory, or in violation of law, the Department shall determine the just and reasonable rate to be charged and shall fix the same by order.

(c) No contract carrier shall make any change in its contract filed with the Department except upon the approval of the Department.

26. *Powers of Department of Motor Transportation to regulate rates and service.*

(a) The Department has authority to fix or approve the rates, fares, charges, classifications, rules and regulations of each common carrier, and to regulate operating schedules so as to insure adequate and convenient transportation service. If the Department, after a hearing held upon reasonable notice upon its own motion or upon complaint, finds any existing rate to be excessive, inadequate, unreasonable or unjustly discriminatory, or finds the services rendered or facilities employed by any common carrier to be unsafe, inadequate, inconvenient or in violation of law or of the rules and regulations of the Department, it may determine the just and reasonable rate to be charged therefor, or the reasonable, safe, adequate and convenient service to be thereafter furnished, and shall fix the same by order. The Department need not fix the same rates as are or may be fixed by other authorities for carriers engaged in other methods of transportation.

(b) The Department has authority to fix or approve the contracts and regulations of each contract carrier so as to insure adequate and convenient transportation service. If the Department, after a hearing held upon reasonable notice upon its own motion or upon complaint, finds any existing contract to be excessive, unreasonable or unjustly discriminatory, or finds the services rendered or facilities employed by any contract carrier to be unsafe, inadequate, inconvenient or in violation of law or of the rules and regulations of the Department, it may determine the just and reasonable amounts to be charged therefor, or the reasonable, safe, adequate and convenient service to be thereafter furnished, and shall fix the same by order.

27. *Abandonment, or change of route, service or schedules.*

(a) No common carrier shall abandon or change any route or service, except upon an application heretofore provided for; except, however, if it becomes necessary, on account of the condition of the highways or other emergency, a common carrier may make temporary changes in route, service or schedules by notifying the Department of such change. However, any carrier operating under a suburban bus certificate may make such changes in routes and schedules as may be necessary for the public convenience and shall not be required to notify the Department of such changes, unless such changed condition is to continue for a period longer than ten days, in which event the carrier shall notify the Department of the additional time that it desires such change or changes to remain in effect, and the reason therefor, and the Department may grant such extension of time without a hearing.

(b) If after the granting of a certificate or permit operation is not begun within sixty (60) days thereof, said certificate or permit will become null and void, and cannot be reinstated; provided, however, that the Department may grant an additional time to begin such operation, provided application therefor is made within the sixty-day period.

(c) If, after a motor carrier has operated in good faith, there is an abandonment of the whole or any part of said operation, the Department may notify said motor carrier to immediately begin such operation, and if such motor carrier fails to do

so within thirty (30) days thereof, the Department may enter an order cancelling said certificate or permit, with or without a hearing, or it may enter an order requiring the motor carrier to operate such abandoned route.

28. *Accounts; reports.* The Department may prescribe uniform systems of accounts and the filing of reports by motor carriers.

29. *Non-resident carrier to have agent for service of process.* Any motor carrier who is a non-resident of this State shall, prior to operating any motor vehicle for hire in this State, appoint a person residing in this State as agent upon whom process may be served, and shall maintain such agent so long as the carrier operates a motor vehicle for hire in this State. The appointment shall be made by filing in the office of the Department a statement giving the name and residence of the agent. If the motor carrier is an individual, the statement shall be subscribed by him; if the motor carrier is a partnership, corporation or an unincorporated association or company, the statement shall be subscribed by a partner or by an officer. When any change is made in the agent, the motor carrier shall immediately file with the Department a statement of the change, and the former agent shall remain agent for the purpose of service until the statement of appointment of the new agent is filed.

30. *Common carriers of passengers to furnish free transportation to Department employees.* All common carriers of passengers shall furnish to the employees of the Department of Motor Transportation free transportation over their lines at all times.

31. *Distinguishing plates for vehicles.* The Department shall prescribe and furnish a distinguishing plate or plates, which shall at all times be displayed on each motor vehicle authorized to be operated under a certificate or permit. Where a carrier is the holder of one or more city bus certificates, or the carrier holds both a city bus certificate or certificates and a suburban bus certificate or certificates, the Department shall issue to it for each vehicle operated thereunder a city bus license plate which shall authorize the operation of said vehicle under either one or all of the certificates so held. No person shall transfer such plates

from one motor vehicle to another except by the authority and with the consent of the Department.

32. *Certification of drivers and chauffeurs.*

(a) No owner or operator of a motor vehicle used for hire shall permit such motor vehicle to be operated upon the highways unless the driver or chauffeur thereof has obtained, and from time to time has renewed, in accordance with the requirements of the Department, a certificate of the Department to the effect that the driver or chauffeur has met its requirements with respect to his health, vision, sobriety, intelligence, care, ability and experience, and be the holder of a Kentucky operator's license.

(1) No owner or operator of a motor vehicle used for hire shall permit such motor vehicle to be operated upon the highways unless the driver or chauffeur thereof is eighteen (18) years of age where the vehicle is transporting property or less than twenty-one (21) years of age where the vehicle is transporting passengers.

(b) The Circuit Clerk of each county shall:

(1) Act for the Department for the purpose of issuing certificates and badges referred to in subsections (a) and (c) of this section.

(2) Issue a certificate, when he has determined that the applicant has fully complied with the law governing applications.

(3) Report and remit to the Department not later than the tenth day of the month following that in which the cerificates were issued.

(4) Keep adequate records of all monies collected and remitted to the Department.

(5) Keep in his office at all times available to the Department a record of all certificates issued in his county.

(c) The certificate shall cost two dollars, of which twenty-five cents shall be retained by the Circuit Court Clerk to defray expenses of issuing the certificate and maintenance of records, and the remaining one dollar and seventy-five cents shall be paid

into the State Treasury and credited to the State Road Fund. The holder of such a certificate, at all times when operating a motor vehicle for hire, shall have the certificate in his possession, and shall wear a badge, to be issued by the Circuit Clerk, indicating that he is a certified driver or chauffeur.

(d) The Department may, for good cause, upon complaint or upon its own motion, revoke or suspend any such certificate, and said person shall be entitled to a hearing before the Department.

33. *Working hours of drivers and chauffeurs.*

(a) No motor carrier shall require or permit any driver or chauffeur operating a motor vehicle for hire under a certificate or permit to remain continuously on duty for a longer period than twelve hours, and when any such driver or chauffeur has been continuously on duty for twelve hours he shall have at least eight consecutive hours off duty. No motor carrier shall require or permit any such driver or chauffeur to remain on duty for a longer perior than sixteen hours in the aggregate in any twenty-four hour period, and when a driver or chauffeur has been on duty sixteen hours in the aggregate in any twenty-four hour period he shall have at least ten consecutive hours off duty. The period of release from duty required by this section shall be given at such places and under such circumstances that rest and relaxation from the strain of the duties of the employment may be obtained. No period off duty shall be deemed to break the continuity of service unless it is for at least three consecutive hours and is given at such a place and under such circumstances that rest and relaxation from the strain of the duties of the employment may be obtained. In case of an unforeseen emergency not resulting from the negligence of the carrier or his agents, servants or employees, the driver or chauffeur may complete his run or tour of duty, if the run or tour of duty but for the delay caused by the emergency could reasonably have been completed without a violation of this section. The Department may require such reports as it deems necessary for the enforcement hereof.

(b) The provisions of this section shall not apply to matters relating to the wages, hours, working conditions, and conditions

of employment of the employees of motor carriers when such employees shall be so employed and working under and pursuant to a collective bargaining agreement entered into between their employer and the employees' collective bargaining agent or representative, for and on behalf of such employees; provided that said collective bargaining agent or representative is a bona fide labor organization.

34. *Overcrowding of passenger vehicles; maximum width.*

(a) The Department shall, in its safety regulations, prescribe rules prohibiting overcrowding in the various types of motor vehicles carrying passengers for hire.

(b) The owner or driver or chauffeur of any motor vehicle for the transportation of passengers shall not permit any passengers to ride upon the steps or running-board of any such motor vehicle, nor shall he permit any passenger to ride on the top of any such motor vehicle unless the top has been designed and equipped with seats constructed for such use and provided with protecting railing or protective enclosure on all four sides of the top of the vehicle, and unless such use has been authorized by a certificate issued by the Department.

(c) No motor carrier shall operate a motor vehicle for the transportation of persons for hire, except city and suburban busses, with an extreme width exceeding ninety-six inches. The extreme width of a city or suburban bus shall not exceed one hundred and two inches.

35. *Accident reports.* All motor carriers shall give to the Department notice in writing of any accident resulting in death or serious injury within five days after said accident.

36. *Passenger vehicles required to stop at railroad crossings.* The driver or chauffeur of any motor vehicle used in the transportation of passengers for hire shall stop such motor vehicle before crossing at grade the main track of any railroad or interurban electric railway, except where the crossing is a guarded crossing protected by gates or a flag controlled or operated by an employee of the railroad or interurban company. The stop shall be made at not less than ten feet nor more than thirty feet from the nearest track to be crossed. After making the stop, the

chauffeur shall look carefully in each direction for approaching cars or trains, and shall not start his vehicle until he has ascertained that no cars or trains are approaching in each direction.

37. *Identification of motor vehicles.* In order that motor vehicles may be properly identified and for the purpose of preventing tax evasion, the Department may, by regulations, require such vehicles to display or have painted upon the same such signs, numbers or other identification as may be reasonably necessary.

38. *Inspection of motor vehicles.* The Commissioner and representatives of the Department may at any time or place make an inspection of any motor vehicle operating under the provisions of this Chapter. They may enter into and upon any such motor vehicle for the purpose of ascertaining whether or not any provision of this Chapter or any order or rule or regulation of the Department relating to such motor vehicles has been violated. Willful refusal to stop any such motor vehicle, when ordered to do so by any representative of the Department, or to permit the representative to enter into or upon the motor vehicle for the purpose of inspection, shall be sufficient ground for the revocation or suspension of the certificate or permit of the motor carrier.

39. *Carriers shall comply with the city traffic rules and regulations.* Every carrier operating under a certificate or permit issued by the Department of Motor Transportation shall observe traffic rules and regulations of each city while operating therein.

40. *Enforcement of motor vehicle laws; arrests; bail bonds.* Any peace officer, including sheriffs and their deputies, constables and their deputies, police officers and marshals of cities or incorporated towns, county police or patrols, and special officers appointed by any agency of the Commonwealth of Kentucky for the enforcement of its laws relating to motor vehicles, now existing or hereafter enacted, shall be authorized and it is hereby made the duty of each of them to enforce the provisions of this Chapter and to make arrests for any violation or violations thereof, and for violations of any other law relating to motor vehicles, without warrant if the offense be committed in his presence, and with warrant or summons if he does not observe

the commission of the offense. When in pursuit of any offender for any offense committed within his jurisdiction, any such officer may follow and effect an arrest beyond the limits of his jurisdiction. If the arrest be made without warrant, the accused may elect to be immediately taken before the nearest court having jurisdiction, whereupon it shall be the duty of the officer to so take him. If the accused elects not to be so taken, then it shall be the duty of the officer to require of the accused a bail-bond in a sum not less than five hundred dollars, conditioned that the accused binds himself to appear in the court of jurisdiction at the time fixed in the bond, not however in any case later than six days from the day of arrest. In case the arrested person fails to appear on the day fixed, the bond shall be forfeited in the manner as is provided for the forfeiture of bonds in other cases. No officer shall be permitted to take a cash bond. The officer making the arrest and taking the bond shall report the same to the court having jurisdiction within eighteen hours after taking such bond.

41. *Commissioning employees of Department of Motor Transportation and Department of Revenue as law enforcement officers; powers.* In addition to all other enforcement agencies, the Department of Motor Transportation and the Department of Revenue are hereby authorized to issue commissions to their employees as law enforcement officers, and such employees when so commissioned shall have all the powers of peace officers in respect to the enforcement of this Chapter and all the statutes relating to motor vehicles.

42. *Investigation and inquiries.* The Department may conduct any investigation, inquiry or hearing that it may deem proper in connection with the performance of its duties under this Chapter with respect to motor carriers. The investigation and inquiry may be conducted by or before the Commissioner or any of his assistants or any representative of the Department designated by the Commissioner.

43. *Right of appeal; how taken.*

(a) An appeal to the Franklin Circuit Court may be taken from any final order of the Department by any one who was a party to the proceedings before it.

(b) In the case of an appeal wherein a certificate or permit has been issued or amended or revoked or suspended, the certificate or permit or its amendment shall remain in force until the final disposition of the appeal, not to exceed a period of eighteen months from the date of the order of the Department appealed from.

(c) An appeal may be taken by filing a Petition of Appeal with the Clerk of the Franklin Circuit Court within twenty (20) days after the rendition of the final order of the Department. The Petition shall state completely the grounds upon which the review is sought and shall assign all errors relied upon. The appellant shall furnish a copy of the petition to each person who was a party to the hearing before the Department. Summons shall be issued upon the petition directing the adverse party or parties to file answer within fifteen (15) days after service of summons. The Department shall, upon being served with a summons, and within thirty (30) days thereafter, file a copy of the record, duly certified by the Commissioner, the cost of such record to be taxed as costs upon appeal. In lieu of filing such record, an abstract thereof may be filed if agreed to by all parties to the hearing.

44. *Procedure on appeal; powers of circuit court, judgment; appeal to Court of Appeals.*

(a) The Department and each party may appear in the proceedings in the circuit court on an appeal.

(b) In case of appeals, no new or additional evidence may be introduced in the circuit court except as to fraud or misconduct of some person engaged in the administration of this Chapter and affecting the order; the court shall hear the case upon the certified record or abstract thereof, and shall dispose of the case in a summary manner, its review being limited to determining whether or not the Department acted without or in excess of its power, the order was procured by fraud, the order is in conformity to the provisions of this Chapter, and the finding of facts in issue is supported by any substantial evidence. On such appeals, the court may, in advance of judgment and upon a sufficient showing of facts, remand the case to the Department.

(c) The court shall enter judgment confirming, modifying or setting aside the order or, in its discretion, remanding the case to the Department for proceedings in conformity with the directions of the court.

(d) Any party may, within ninety days of a final judgment, appeal from the circuit court to the Court of Appeals, and such appeal shall have precedence of other cases pending in the Court of Appeals.

45. *Injunctions.* At the instance of the Department of Motor Transportation or of any person having an interest in the subject matter, the courts of this State may enjoin any person from violating any of the provisions of this Chapter relating to common carriers or contract carriers, or any order, rule, regulation or requirement of the Department relating to such carriers.

46. *Venue.* The Franklin Circuit Court shall hold concurrent venue with the courts of this Commonwealth of all civil and injunctive actions instituted by the Department for the enforcement of this Act and the orders, rules and regulations of the Department thereunder.

47. *Public attorneys to represent Department of Motor Transportation.* Upon the request of the Department of Motor Transportation, the Attorney General or any Commonwealth's Attorney or County Attorney shall represent the Department within his jurisdiction and without additional compensation, in any action or proceeding in which the Department is a party, arising under the provisions of this Chapter relating to motor carriers.

48. *Operation of taxicab in competition with common carrier.* No person shall operate a taxicab in competition with a common carrier outside of the corporate limits of any city, except another taxicab, over the route or any part of the route covered by the certificate of the common carrier, except for casual trips, and on such casual trips the operator of the taxicab shall not pick up any passenger along the route and shall not on the return trip carry any passenger other than those carried on the original trip.

49. *Weight tax on motor vehicles primarily engaged in the transportation of property for hire.*

(a) On or before January 1st of each year and as a condition precedent to the use of the highways, every motor carrier operating motor vehicles primarily engaged in the transportation of property for hire shall pay to the Department of Motor Transportation for the privilege of using the highways an annual excise tax upon each motor vehicle so used based on the declared gross weight of the motor vehicle as set out in K. R. S. 186.030 in addition to the basic registration fee set out in K. R. S. 186.050, as follows:

Gross Weight	*Fee*
0- 5000	$ 22.00
5001- 8000	30.00
8001-10000	48.00
10001-12000	52.00
12001-14000	57.00
14001-16000	62.00
16001-18000	70.00
18001-21000	101.00
21001-24000	132.00
24001-27000	161.00
27001-30000	185.00
30001-33000	208.00
33001-36000	235.00
36001-39000	272.00
39001-42000	300.00

(b) The tax shall be increased fifty per cent on each motor vehicle not equipped wholly with pneumatic tires.

(c) On or before January 1st of each year and as a condition precedent to the use of the highways, every motor carrier engaged in the driveaway business shall pay an annual license fee of two hundred fifty dollars which shall be in lieu of the weight tax set out in subsection (a) hereof.

50. *Mileage and seat tax on motor vehicles primarily engaged in transporting passengers for hire.*

(a) On or before January 1st of each year and as a condition

precedent to the use of the highways, every motor carrier primarily engaged in transporting passengers for hire shall pay to the Department of Motor Transportation for the privilege of using the highways an annual tax upon each motor vehicle so used as follows:

Except as provided in subsection (b) of this section, a mileage tax equal to one-thirty-sixth of a cent for each regular seat in the motor vehicle multiplied by the total number of miles traveled, and in addition a seat tax equal to $8.00 for each regular seat for the first sixteen seats, $15.00 for each regular seat for the next eight seats, and $25.00 for each regular seat for all remaining seats.

(b) The mileage and seat tax imposed by subsection (a) of this section does not apply to taxicabs, or city, industrial and suburban busses, or U-Drive-Its, except as hereinafter set out.

(c) Taxicabs, city, suburban and industrial busses and U-Drive-Its shall pay a license fee based upon seating capacity as follows:

Each taxicab	$3.00 per seat
Each city bus	1.50 per seat
Each industrial bus	2.50 per seat
Each suburban bus	1.50 per seat
Each U-Drive-It passenger car	2.50 per seat

(d) All cities of the Commonwealth are hereby authorized to impose an annual license tax on all taxicabs certificated by the Department for operation in said city, which license tax shall not exceed thirty dollars per taxicab.

(e) All cities of the Commonwealth are hereby authorized to impose a mileage tax upon city busses when operating in said city under the authority of a city bus certificate, provided that said mileage tax shall not be in excess of one-fourth of a cent per mile operated in said city and, in computing said mileage tax, miles operated upon roads or streets maintained by the Commonwealth or by any other governmental agency, except the city, shall not be counted.

51. *Accounts and records for tax purposes.* The Department may require any motor carrier to keep within this State, subject to inspection at all reasonable times by the Department, such books of account or records as are reasonably necessary to enable the Department to obtain full information at all times regarding the amounts due from such operator under this Chapter. The books and records shall be at all times open to inspection by the Department.

52. *Time of paying mileage and seat taxes; refunds.*

(a) The mileage tax imposed by Section 50 shall be paid monthly. To insure the payment of the mileage tax, no certificate or permit or renewal thereof authorizing the transportation of passengers for hire shall be issued until there has been filed with the Department a bond in an amount estimated by the Department to be due in one month, or, in lieu thereof, cash of an equivalent amount.

(b) If any person required to pay a weight tax or seat tax under Section 49 and Section 50 begins the operation of any motor vehicle covered by these sections after January 1st in any year, he shall only be required to pay the proportionate part of the tax for the remainder of the year.

(c) When any motor vehicle that has been licensed by the Department is destroyed by fire, sold or transferred to any person, and is not to be used any further on the highways of this State by the person to whom it was licensed, such person may surrender the tag or certificate of such motor vehicle issued by the Department, and upon satisfactory proof to the Department that the motor vehicle will not be further used on the highways of this State by such person, the Department shall give credit to such person for the amount of the unearned portion of the tax paid, upon another motor vehicle belonging to such person which is to be put into service in that year. No cash refund shall be made in any event, and no credit shall be given in excess of the fractional year's tax on the new motor vehicle for that year.

53. *Fees and taxes under this Chapter are in addition to others; exceptions.*

(a) Except as otherwise provided in K.R.S. 138.470, 186.020

and 186.050 and in subsection (b) of this section, the fees and taxes prescribed by this Chapter shall be in addition to the fees and taxes prescribed by any other law of this State.

(b) No city may impose a license fee or tax upon any motor vehicle operated under a certificate or permit, except that a city may impose a license fee or tax upon a taxicab or a mileage tax upon a city bus as set out in subsections (d) and (e) of Section 50 of this Act.

54. *Reciprocal tax exemptions for non-resident carriers operating in interstate commerce.* To carry out the declaration of policy provided for herein, the Department may enter into reciprocity agreements with other states and the District of Columbia whereby motor vehicles, as defined herein, while operating into or through the Commonwealth of Kentucky in interstate commerce and under a certificate or permit or exemption from the Interstate Commerce Commission and properly licensed in another state, shall be exempt from registration fees under K. R. S. Chapter 186 and the weight tax under this Act, provided like or similar privileges are granted motor vehicles as defined herein properly licensed in this State.

55. The Division of Motor Transportation and the office of the Director of the Division of Motor Transportation are hereby abolished, and all of their equipment, supplies, records and facilities of every kind are hereby transferred to the Department of Motor Transportation. All decisions and orders heretofore made and all pending proceedings before or instituted by the Division of Motor Transportation shall continue in the name of the Department of Motor Transportation. It is the purpose of this Act that the Department of Motor Transportation become the successor of the Division of Motor Transportation. Any reference to the Division of Motor Transportation or the Director of Motor Transportation henceforth shall be construed to be a reference to the Department of Motor Transportation and the Commissioner of Motor Transportation. Any allocation and appropriation of funds heretofore or hereafter made to the Division of Motor Transportation shall be transferred and allotted to and be construed to be appropriated to the Department of Motor Transportation.

56. *Penalties.*

(a) Any person who violates, or causes, aids or abets any violation of, any of the provisions of this Chapter or any order, rule or regulation lawfully issued pursuant to authority granted by this Chapter, or who knowingly makes any false or erroneous statement, report or representation to the Department of Motor Transportation with respect to any matter placed under the jurisdiction of the Department by this Chapter, or who knowingly makes any false entry in the accounts or records required to be kept pursuant to the authority granted by this Chapter, or who knowingly fails to keep, or knowingly destroys or mutilates, any such accounts or records, shall be fined not less than fifteen dollars nor more than two hundred dollars, or imprisoned for not more than thirty days, or both. Every device to evade or to prevent the application of any provision of this Chapter, or any lawful order, rule or regulation of the Department issued pursuant thereto, shall constitute a violation thereof.

(b) In addition to the penalties prescribed in subsection (a) of this section, in case of violation by any person in whose name an industrial bus is licensed, such person shall forfeit all certificates and permits held by him, and shall not be eligible to hold any certificate or permit for a period of five years thereafter.

57. Sections 281.010 to 281.990, 186.090, 186.100 and 286.040 of the Kentucky Revised Statutes are repealed.

58. Section 186.055 of the Kentucky Revised Statutes is amended to read as follows:

Extra registration fees for trucks having gross weight in excess of 18,000 pounds.

(1) All motor vehicles registered under subsection (3) of KRS 186.050, except motor vehicles taxed under Section 49 of the Act of the 1950 General Assembly entitled "AN ACT relating to motor transportation and motor vehicles" wherein the gross weight exceeds 18,000 pounds, shall pay an additional fee as follows:

Gross weight	*Weight fee*
18001-21000	$ 67.00
21001-24000	84.00

24001-27000	97.00
27001-30000	113.00
30001-33000	130.00
33001-36000	148.00
36001-39000	170.00
39001-42000	200.00

(2) The clerk shall issue a weight plate furnished by the department and shall be paid for this service the sum of twenty-five cents.

(3) The clerk shall not register any common or contract carrier motor vehicle transporting property for hire until the owner has exhibited to the clerk a receipt from the Department of Motor Transportation showing that the weight tax has been paid as provided for under Section 49 of the Act of the 1950 General Assembly entitled "AN ACT relating to motor transportation and motor vehicles."

(4) Motor vehicles used only for the transportation of property operating exclusively within the limits of the city or within ten miles of the limits of the city if it is a city of the first, second, third or fourth class, or within five miles of its limits if it is a city of the fifth or sixth class, shall not be required to pay the additional fee as set out in this section. When claiming exemption of the payment of the additional fee, the owner shall file with the county clerk, in addition to other information required, an affidavit, stating that the motor vehicle is used only for the transportation of property exclusively within the city to be named in the affidavit and the area above set out, and that the vehicle will not be used outside of the city and the area above set out during the time for which the registration fee as provided for in KRS 186.050 only has been paid, and that there has been printed conspicuously on each side of the vehicle in letters of distinctive color at least three inches in height the name of the owner and city and the words "Urban Limits."

59. Section 138.470 of the Kentucky Revised Statutes is amended to read as follows:

Exemption from tax. There is expressly exempted from the tax imposed by KRS 138.460:

(1) Motor vehicles sold to the United States, to this state, to any city or other political subdivision of this state, or to any charitable, religious or educational institution of this state.

(2) Used motor vehicles registered or licensed in this state during the same or immediately preceding license period.

(3) Motor vehicles owned by a person bona fide domiciled in another state and used and licensed in that state by the owner during the same or immediately preceding license period.

(4) Motor vehicles of a common carrier or contract carrier upon which vehicle the tax imposed by Sections 49 and 50 of the Act of 1950 General Assembly entitled "AN ACT relating to motor transportation and motor vehicles," and a franchise tax, is paid by the owner. The owner shall be required to exhibit the tax receipt for such taxes for the same or immediately preceding license period.

Said Committee amendments to said bill are as follows, viz:

Committee Amendment No. 1. Amend printed copy of H. B. No. 258 on page 5, subsection (m), line 48, by inserting after the word "authority" the word "only"

Committee Amendment No. 2. Amend printed copy of H. B. No. 258 on page 5, subsection (m) line 49, by striking the word "exclusively" and inserting in lieu thereof the words "between points"

Committee Amendment No. 3. Amend printed copy of H. B. No. 258 on page 5, subsection (m), line 49, by striking the word "one" and inserting in lieu thereof the word "a"

Committee Amendment No. 4. Amend printed copy of H. B. No. 258 on page 5, subsection (n), line 54, by inserting between the words "authority" and "for" the word "only"

Committee Amendment No. 5. Amend printed copy of H. B. No. 258 on page 5, subsection (n), line 55, by striking the words "operated exclusively" therefrom

Committee Amendment No. 6. Amend printed copy of H. B. No. 258, on page 5, subsection (n), line 57, by striking there-

from the word "engaged" and inserting in lieu thereof the words "granting authority to engage"

Committee Amendment No. 7. Amend printed copy of H. B. No. 258, on page 14, section 14 (a), line 6, by inserting between the words "franchise" and "from" the words "or authorization"

Committee Amendment No. 8. Amend printed copy of H. B. No. 258, on page 28, section 29, line 4, by striking therefrom the word "provess" and inserting in lieu thereof the word "process"

Committee Amendment No. 9. Amend printed copy of H. B. No. 258, on page 33, section 36, line 4, by striking therefrom the word "tract" and inserting in lieu thereof the word "track"

Committee Amendment No. 10. Amend printed copy of H. B. No. 258, on page 14, line 60, by adding after subsection (f) of Section 13, the following:

"(g) Upon the consummation of a merger or consolidation of motor carriers as effected under the provisions of KRS Chap. 271, the surviving or new corporation, as the case may be, shall own and possess all of the certificates, permits, authorizations, licenses, rights, privileges, franchises and properties owned or possessed by each of such motor carriers; and if such merger or consolidation is set aside, the certificates, permits, authorizations, licenses, rights, privileges, franchises and properties acquired by the surviving or new corporation through the merger or consolidation shall become revested in the corporation from which acquired, unless disposed of, subject to such indebtedness and liens as may be equitable, and all other properties of the surviving or new corporation shall become vested in the constituent corporations in such manner as may be fair and equitable."

Committee Amendment No. 11. Amend printed copy of H. B. No. 258, on page 23, section 20, subsection (c), line 17, by striking therefrom the period and adding thereto the following:

", and if the validity of any certificate or permit issued by the Division of Motor Transportation was in litigation on De-

cember 31, 1949 and is finally held to be invalid, then such certificate or permit shall not be grandfathered."

Said Committee amendments to said bill were each and severally agreed to.

Mr. Hanratty moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

Mr. Preston asked unanimous consent of the House that he be excused from voting on said bill because of personal interest in same.

Unanimous consent of the House was granted.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Fred Beshear	Stanley Carter
Bill Adams	L. E. Bradley	Paul Combs
Edgar Arnett	Edward O. Bridgers	R. Josh Cosby
Sidney Baer	Thomas L. Britton	B. H. Crider
Clarence J. Barnum	Charles J. Bronston	Owen Deering
C. E. Baumgardner	J. D. Buckman, Jr.	G. I. Drury
Leonard T. Bean	Alex Calvert	Thomas R. Duncan

Mitchell S. Fannin	Harry K. Lowman	Paul E. Shannon
James P. Hanratty	True Mackey	Gus Sheehan, Jr.
Paul E. Hayes	Damon Majors	Jesse H. Shelton
William K. Henry	William T. Marshall	Forest Smith
E. R. Hilton	G. Lee McClain	Joseph T. Snapp
Ray Holbrook	Archie R. Moore	John M. Spaulding
Woodrow W. Hollan	Walter R. Moorman	Raymond D. Stigall
W. M. Horn	Fred H. Morgan	Mrs. Thelma Stovall
Richard R. Houpt	C. S. Nabb	W. R. Stringer
Robert N. Hubbard	James H. Polsgrove	Egbert V. Taylor
Silas Jacobs	Hobart Rayburn	M. G. Thompson
Paul S. Jonas	W. R. Reasor	Rev. T. H. Tinsley
Barkley Jones	Carl J. Ruh	Ralph N. Walter
William Jones	Amos Runyan	Fred M. Warns
Mrs. J. T. Linton	Dr. Roy Sanders	Geo. F. Williamson
A. L. (Chick) Love	Roy Searcy	—68

Those who voted in the negative were—

John D. Beatty	John Martin	Roy Steers
R. C. Estepp, Sr.	Jack McPherron	Harry Lee Waterfield
Henry C. Hale	Alton Mitchell	Lyle H. Webb
C. A. Hammons	Emmett G. Moore	Morris Weintraub
Maurice G. Howard	Dr. C. E. Palmore	Charles W. Wirsch
Homer E. Losey	LeRoy Saylor	—17

Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

SENATE MESSAGE

A message was received from the Senate announcing that they had passed a bill which originated in that body of the following title, viz:

S. B. No. 109. AN ACT to facilitate vehicular traffic in the Commonwealth of Kentucky by providing for the construction, maintenance, repair and operation of turnpike projects; declaring them to be limited access facilities; conferring powers and im-

posing duties upon the Department of Highways; providing for financing the construction of such projects by the issuance of revenue bonds of the Commonwealth, payable solely from tolls and other revenues; providing that no debt of the Commonwealth shall be incurred in the exercise of any such powers; providing for the collection of tolls and other revenues to pay such bonds and the interest thereon and the cost of maintenance, repair and operation of such projects; making such bonds exempt from taxation; providing for condemnation; and authorizing the issuance of revenue refunding bonds.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. *Turnpike Projects.*—In order to provide for the construction of modern express highways or superhighways embodying safety devices, including center division, ample shoulder widths, longsight distances, multiple lanes in each direction and grade separations at intersections with other highways and railroads, and thereby facilitate vehicular traffic, remove many of the present handicaps and hazards on the congested highways in the Commonwealth, and promote the agricultural and industrial development of the Commonwealth, the Department of Highways is hereby authorized and empowered to construct, maintain, repair and operate turnpike projects (as hereinafter defined), and to issue revenue bonds of the Commonwealth, payable solely from revenues, to finance such projects.

Section 2. *Credit of Commonwealth Not Pledged.*—Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the Commonwealth or of any political subdivision thereof or a pledge of the faith and credit of the Commonwealth or of any such political subdivision, but

such bonds shall be payable solely from the funds herein provided therefor from revenues. All such revenue bonds shall contain on the face thereof a statement to the effect that the Commonwealth shall not be obligated to pay the same or the interest thereon except from revenues of the project or projects for which they are issued and that neither the faith and credit nor the taxing power of the Commonwealth is pledged to the payment of the principal of or the interest on such bonds.

Section 3. *Definitions.*—As used in this Act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) The word "Department" shall mean the Department of Highways or, if said Department shall be abolished, the department, board, body or commission succeeding to the principal functions thereof or to whom the powers given by this Act to the Department shall be given by law.

(b) The word "project" or the words "turnpike project" shall mean any express highway or superhighway constructed under the provisions of this Act by the Department, including all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service stations, and administration, storage and other buildings and facilities which the Department may deem necessary for the operation of such project, together with all property, rights, easements and interests which may be acquired by the Department for the construction or the operation of such project.

(c) The word "cost" as applied to a turnpike project shall embrace the cost of construction, the cost of the acquisition of all land, right-of-ways, property, rights, easements and interests acquired by the Department for such construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which

such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction and, if deemed advisable by the Department, for one year after completion of construction, cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such project, administrative expense, and such other expense as may be necessary or incident to the construction of the project, the financing of such construction and the placing of the project in operation. Any obligation or expense hereafter incurred by the Department for traffic surveys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of a project shall be regarded as a part of the cost of such project and shall be reimbursed to the Commonwealth out of the proceeds of turnpike revenue bonds hereinafter authorized.

(d) The words "public highways" shall include all public highways, roads and streets in the Commonwealth, whether maintained by the Commonwealth or by any county, city, town or other political subdivision.

(e) The word "bonds" or the words "turnpike revenue bonds" shall mean revenue bonds of the Commonwealth authorized under the provisions of this Act.

(f) The word "owner" shall include all individuals, copartnerships, associations or corporations having any title or interest in any property, rights, easements and interests authorized to be acquired by this Act.

Section 4. *General Grant of Powers.*—The Department is hereby authorized and empowered:

(a) To construct, maintain, repair and operate turnpike projects at such locations within the Commonwealth as may be

determined by the Department and approved by the Governor;

(b) To issue turnpike revenue bonds of the Commonwealth payable solely from the tolls and revenues pledged for their payment, for the purpose of paying the cost of any one or more turnpike projects, all as provided in this Act;

(c) To fix and revise from time to time and charge and collect tolls for transit over each turnpike project constructed by it;

(d) To establish rules and regulations for the use of any turnpike project;

(e) To acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this Act without reference to the State Property and Buildings Commission;

(f) To designate the locations, and establish, limit and control such points of ingress to and egress from each turnpike project as the Department may determine to be necessary or desirable in the judgment of the Department to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;

(g) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act;

(h) To employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment and to fix their compensation;

(i) To receive and accept from any federal agency grants for or in aid of the construction of any turnpike project, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used

and applied only for the purposes for which such grants and contributions may be made; and

(j) To do all acts and things necessary or convenient to carry out the powers expressly granted in this Act.

Section 5. *Acquisition of Property.*—The Department is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, solely from funds provided under the authority of this Act, such lands, structures, property, rights, right-of-ways, franchises, easements and other interests in lands, including lands lying under water and riparian rights, which are located within the Commonwealth, as it may deem necessary or convenient for the construction and operation of any project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the Commonwealth for the use and benefit of the Department.

Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown or unable to convey valid title, the Department is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent demain any lands, property, rights, right-of-ways, franchises, easements and other property, including public lands, parks, playgrounds, reservations, highways or parkways, or parts thereof or rights therein, of any person, copartnership, association, railroad, public service, public utility or other corporation, or municipality or political subdivision deemed necessary or convenient for the construction or the efficient operation of any project or necessary in the restoration of public or private property damaged or destroyed. Any such proceedings shall be conducted, and the compensation to be paid shall be ascertained and paid, in the manner provided by the Constitution and laws of the Commonwealth then applicable

which relate to condemnation or to the exercise of the power of eminent domain by the Department. Title to any property acquired by the Department shall be taken in the name of the Commonwealth for the use and benefit of the Department. In any condemnation proceedings the court having jurisdiction of the suit, action or proceeding may make such orders as may be just to the Department and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the Department to accept and pay for the property, but neither such undertaking or security nor any act or obligation of the Department shall impose any liability upon the Commonwealth except as may be paid from the funds provided under the authority of this Act.

If the owner, lessee or occupier of any property to be condemned shall refuse to remove his personal property therefrom or give up possession thereof, the Department may proceed to obtain possession in any manner now or hereafter provided by law.

With respect to any railroad property or right-of-way upon which railroad tracks are located, any powers of condemnation or of eminent domain may be exercised to acquire only an easement interest therein which shall be located either sufficiently far above or sufficiently far below the grade of any railroad track or tracks upon such railroad property so that neither the proposed project nor any part thereof, including any bridges, abutments, columns, supporting structures and appurtenances, nor any traffic upon it shall interfere in any manner with the use, operation or maintenance of the trains, tracks, works or appurtenances or other property of the railroad nor endanger the movement of the trains or traffic upon the tracks of the railroad. Prior to the institution of condemnation proceedings for such easement over or under such railroad property or right-of-way, plans and specifications of the proposed project showing compliance with the above mentioned above or below grade require-

ments and showing sufficient and safe plans and specifications of such overhead or undergrade structure and appurtenances shall be submitted to the railroad for examination and approval. If the railroad fails or refuses within thirty days to approve the plans and specifications so submitted, the matter shall be submitted to the Public Service Commission of Kentucky whose decision, arrived at after due consideration in accordance with its usual procedure, shall be final as to the sufficiency and safety of such plans and specifications and as to such elevations or distances above or below the tracks. Said overhead or undergrade structure and appurtenances shall be constructed only in accordance with such plans and specifications and in accordance with such elevations or distances above or below the tracks so approved by the railroad or the Public Service Commission as the case may be. A copy of the plans and specifications approved by the railroad or the Public Service Commission shall be filed as an exhibit with the petition for condemnation.

Section 6. *Incidental Powers.*—The Department shall have power to construct grade separations at intersections of any turnpike project with public highways and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation. The cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways shall be ascertained and paid by the Department as a part of the cost of such turnpike project.

If the Department shall find it necessary to change the location of any portion of any public highway, it shall cause the same to be reconstructed at such location as the Department shall deem most favorable and of substantially the same type and in as good condition as the original highway. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the Department as a part of the cost of such turnpike project.

Any public highway affected by the construction of any turnpike project may be vacated or relocated by the Depart-

ment in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the Department as a part of the cost of such project.

In addition to the foregoing powers the Department and its authorized agents and employees may enter upon any lands, waters and premises in the Commonwealth for the purpose of making surveys, soundings, drillings and examinations as they may deem necessary or convenient for the purposes of this Act, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending. The Department shall make reimbursement for any actual damage resulting to such lands, waters and premises as a result of such activities.

The Department shall also have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called "public utility facilities") of any public utility in, on, along, over or under any turnpike project. Whenever the Department shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be, located in, on, along, over or under any turnpike project should be relocated in such turnpike project, or should be removed from such turnpike project, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the Department; provided, however, that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the Department as a part of the cost of such turnpike project. In case any such relocation or removal of facilities, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain

and operate such facilities in their former location or locations. No utility shall have the privilege of establishing its lines or properties within the right of way of a turnpike, except upon the conditions and terms prescribed by the Department; however, a utility shall be permitted to connect its lines with gasoline stations and other installations permitted to exist upon the right of way of the turnpike.

The Commonwealth hereby consents to the use of all lands owned by it, including lands lying under water, which are deemed by the Department to be necessary for the construction or operation of any turnpike project.

Section 7. All turnpikes established under the provisions of this Act are declared to be limited access facilities, within the meaning and subject to the provisions of KRS 177.220 to KRS 177.310, and KRS 177.990. No right of access to a turnpike shall vest in the holder of adjacent or neighboring property by reason of the proposal to construct, or the construction and operation of, a turnpike. Nothing herein shall be construed to create any right of access in an owner near or adjacent to an entranceway to a turnpike, where such right did not already exist to an entranceway on a road or highway which has been incorporated into the turnpike.

Section 8. *Turnpike Revenue Bonds.*—The Department is hereby authorized to provide, at one time or from time to time, for the issuance of turnpike revenue bonds of the Commonwealth for the purpose of paying all or any part of the cost of any one or more turnpike projects. The principal of and the interest on such bonds shall be payable solely from the funds herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding five per centum per annum, shall mature at such time or times not exceeding forty years from their date or dates, as may be determined by the Department, and may be made redeemable before maturity, at the option of the Department, at such price or prices and under such terms and conditions as may be fixed by the Department prior to the issuance of the bonds. The Department shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomi-

nation or denominations of the bonds and the place or places for payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. The bonds shall be signed by the Commissioner of Highways, and the great seal of the Commonwealth or a facsimile thereof shall be affixed thereto and attested by the Secretary of State, and any coupons attached thereto shall bear the facsimile signature of said Commissioner of Highways. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the Commonwealth. The bonds may be issued in coupon or in registered form, or both, as the Department may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The Department may sell such bonds in such manner and for such price as it may determine will best effect the purposes of this Act.

The proceeds of the bonds of each issue shall be used solely for the payment of the cost of the turnpike project or projects for which such bonds shall have been issued, and shall be disbursed in such manner and under such restrictions, if any, as the Department may provide in the proceedings authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the proceedings authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue shall exceed such cost, the surplus shall

be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the Department may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Department may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost. Bonds may be issued under the provisions of this Act without obtaining the consent of any department, division, commission, board, bureau or agency of the Commonwealth, and without any other proceedings or the happening of any other conditions or things than those proceedings, conditions or things which are specifically required by this Act.

Section 9. *Trust Agreement.*—In the discretion of the Department any bonds issued under the provisions of this Act may be secured by a trust agreement by and between the Department and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the Commonwealth. Such trust agreement or the proceedings providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage any turnpike project or any part thereof. Such trust agreement or proceedings providing for the issuance of such bonds may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Department in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation and insurance of the turnpike project or projects in connection with which such bonds shall have been authorized, the rates of toll to be charged, and the custody, safeguarding and application of all moneys. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth which may act as depositary of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Department. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders. In addition to the foregoing, any such trust agree-

ment or proceedings may contain such other provisions as the Department may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of such trust agreement or proceedings may be treated as a part of the cost of the operation of the turnpike project or projects.

Section 10. *Revenues.*—The Department is hereby authorized to fix, revise, charge and collect tolls for the use of each turnpike project and the different parts or sections thereof, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gasoline stations, garages, stores, hotels and restaurants, or for any other purpose except for tracks for railroad or railway use, and to fix the terms, conditions, rents and rates of charges for such use. A sufficient number of gasoline stations shall be authorized to be established in each service area along any such turnpike to permit reasonable competition by private business in the public interest.

Tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the turnpike project or projects in connection with which the bonds of any issue shall have been issued as to provide a fund sufficient with other revenues, if any, to pay (a) the cost of maintaining, repairing and operating such turnpike project or projects, unless such cost has been assumed by the Department as provided herein, and (b) the principal of and the interest on such bonds as the same shall become due and payable, and to create reserves for such purposes. Such tolls shall not be subject to supervision or regulation by any other Department, commission, board, bureau or agency of the Commonwealth. The tolls and all other revenues derived from the turnpike project or projects in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair or operation and to provide such reserves therefor as may be provided for in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such proceedings or such trust agreement in a sinking fund which is hereby pledged

to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the Department shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Department, irrespective of whether such parties have notice thereof. Neither the proceedings nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Department. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the proceedings authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such proceedings or such trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

Notwithstanding any of the foregoing provisions of this section, the Department may, in the proceedings authorizing the issuance of revenue bonds or revenue refunding bonds under the provisions of this Act or in the trust agreement securing such bonds, covenant to pay all or any part of the cost of maintaining, repairing and operating any project constructed under the provisions of this act, and, inasmuch as such project will at all times belong to the Commonwealth, such covenant will have the force of contract between the Commonwealth and the holders of the revenue bonds or revenue refunding bonds issued on account of such project.

Section 11. *Trust Funds.*—All moneys received pursuant to the authority of this Act, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Act. The proceedings authorizing the bonds of any issue or the trust agreement securing such bonds shall provide that any officer with whom, or any bank

or trust company with which, such moneys shall be deposited, shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this Act and such proceedings or trust agreement may provide.

Section 12. *Remedies.*—Any holder of bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by such trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the Commonwealth or granted hereunder or under such trust agreement or the proceedings authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this Act or by such trust agreement or resolution to be performed by the Department or by any officer or employes thereof, including the fixing, charging and collecting of tolls.

Section 13. *Exemption from Taxation.*—The exercise of the powers granted by this Act will be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of turnpike projects by the Department will constitute the performance of essential governmental functions, the Department shall not be required to pay any taxes or assessments upon any turnpike project or any property acquired or used by the Department under the provisions of this Act or upon the income therefrom, and the bonds issued under the provisions of this Act, their transfer and the income therefrom (including any profit made on the sale thereof) shall at all times be free from taxation within the Commonwealth.

Section 14. *Bonds Eligible for Investment.*—Bonds issued by the Department under the provisions of this Act are hereby made securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, trustees and other fiduciaries, and all other

persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of a similar nature may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law.

Section 15. *Miscellaneous.*—Each turnpike project when constructed and opened to traffic, shall be maintained and kept in good condition and repair by the Department, which shall be reimbursed for the cost thereof unless it has previously assumed such cost as provided herein.

All private property damaged or destroyed in carrying out the powers granted by this Act shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this Act.

All counties, cities, towns and other political subdivisions and all public agencies and commissions of the Commonwealth, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant or convey to the Department at its request upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies or commissions of the Commonwealth may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Department, including public roads and other real property already devoted to public use.

On or before the thirtieth day of January in each year the Department shall make an annual report of its activities for the preceding calendar year to the Governor and to the General Assembly. Each such report shall set forth a complete operating and financial statement covering its operations during the

year. The Department shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or operation of the project. Such audits shall be deemed to be public records within the meaning of KRS 12.140.

No officer or employe of the Department shall have any interest, direct or indirect, in the sale or purchase of any bonds authorized by this Act. Violation of this provision shall be punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

Section 16. *Turnpike Revenue Refunding Bonds.*—The Department is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds of the Commonwealth for the purpose of refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if Department shall so determine, for the additional purpose of constructing improvements, extensions, or enlargements of the turnpike project or projects in connection with which the bonds to be refunded shall have been issued. The Department is further authorized to provide for the issuance of its turnpike revenue bonds for the combined purpose of (a) refunding any bonds then outstanding which shall have been issued under the provisions of this Act, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and (b) paying all or any part of the cost of any additional turnpike project or projects. The issuance of such bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties and obligations of the Department in respect of the same, shall be governed by the provisions of this Act insofar as the same may be applicable.

Section 17. *Transfer to State Highway System.*—When all bonds issued under the provisions of this Act in connection with any turnpike project or projects and the interest thereon shall have been paid or a sufficient amount for the payment of all such

bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, such project or projects, if then in good condition and repair, shall become part of the state highway system and shall thereafter be maintained by the Department free of tolls; provided, however, that the Department may thereafter charge tolls for the use of any such project and pledge such tolls to the payment of bonds issued under the provisions of this Act in connection with another turnpike project or projects, but any such pledge of tolls of a turnpike project to the payment of bonds issued in connection with another project or projects shall not be effectual until the principal of and the interest on the bonds issued in connection with the first mentioned project shall have been paid or provision made for their payment. Finally, when all bonds and the interest thereon have been paid, any excess sum remaining on hand shall be credited to the State Road Fund.

Section 18. *Preliminary Expenses.*—The Department is hereby authorized in its discretion to expend such moneys as may be necessary for the study of any turnpike project or projects and to use its engineering and other forces and employ consulting engineers and traffic engineers for the purpose of effecting such study, and to pay for such additional engineering and traffic and other expert studies as it may deem expedient. All such expenses incurred by the Department prior to the issuance of turnpike revenue bonds under the provisions of this Act shall be paid by the Department and charged to the appropriate turnpike project or projects, and the Department shall keep proper records and accounts showing each amount so charged. Upon the sale of turnpike revenue bonds for any turnpike project or projects, the funds so expended by the Department in connection with such project or projects shall be reimbursed to the Department from the proceeds of such bonds.

Section 19. *Additional Method.*—The foregoing sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing; provided, however, that the issuance of

turnpike revenue bonds or turnpike revenue refunding bonds under the provisions of this Act need not comply with the requirements of any other law applicable to the issuance of bonds.

Section 20. *Act Liberally Construed.*—This Act, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes thereof.

Section 21. *Inconsistent Laws Inapplicable.* All other general or special laws, or parts thereof, inconsistent herewith are hereby declared to be inapplicable to the provisions of this Act.

Ordered that said bill be printed and referred to the Committee on Rules.

Mr. Hanratty moved that the rules be suspended for the purpose of introducing bills.

Said motion was agreed to by a majority of the members elected.

Thereupon, bills of the following titles were introduced, viz:

By Mr. Rayburn.

H. B. No. 439. AN ACT changing the classification of the City of Vanceburg, in Lewis County.

Said bill is as follows, viz:

WHEREAS, satisfactory evidence has been presented to the General Assembly that the population of the city of Vanceburg, in Lewis County, is such as to justify its being assigned to the fourth class of cities;

NOW THEREFORE

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The city of Vanceburg, in Lewis County, is changed from the fifth class to the fourth class of cities.

By Messrs. Jonas and Rayburn.

H. B. No. 440. AN ACT entitled an Act providing a tax on Greyhound racing and providing how said tax shall be levied and collected.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Any corporation formed for the purpose of racing or breeding of Greyhounds and conducting races and contests of speed shall have the power and right, subject to the provisions of this Act, to hold one or more race meetings in each year and to hold, maintain and conduct races at such meetings. At such meetings the corporation or the owners of greyhounds engaged in such races or others who are not participants in the racing may contribute purses, prizes, premiums or stakes to be contested for; but no person or persons other than the owner or owners of Greyhounds contesting in a race shall have any pecuniary interest in a prize, purse, premium or stake contested for in such race, or be entitled to, or receive any portion thereof, after such race shall have been finished; and the whole of such purse, prize or premium or stake shall be allotted in accordance with the terms and conditions of such race. Such meetings shall be held during the period extending from the first day of May to the first day of November, except in counties having horse racing said meetings shall not be held during a horse race meeting. Said races shall be held between the hours of 7 a. m. and 12 p. m., and no racing shall be permitted on Sunday. No minor shall be permitted to attend said races.

2. A greyhound Racing Commission is hereby established to consist of three persons to be appointed by the Governor. The members of said Commission shall hold their offices for a term of four years and the first Commission shall be appointed within twenty days after this act shall go into effect. The Governor will appoint a Secretary for said Commission who shall act for a period of two years whose duty it shall be to keep a full and

faithful record of its proceedings and preserve at its general office all books, maps documents and papers intrusted to its care and who shall perform such other duties as the Commission may prescribe. He shall be paid a salary to be fixed by the Commission at a rate not exceeding $5,000.00 per annum, which shall be paid by the several racing corporations or associations conducting racing in this State. The Commission shall bi-annually make a full report to the General Assembly of its proceedings for the two year period ending with the first day of December preceding the meeting of the General Assembly and shall embody therein such suggestions and recommendations as it shall deem proper.

3. Said Commission shall have the power to prescribe appropriate rules, regulations and conditions under which greyhound racing shall be conducted in the State, and no such races shall be conducted except by a Corporation or Association duly permitted and licensed by such Commission as herein provided. Any Corporation or Association desiring to conduct such racing may apply for a permit so to do. If, in the judgment of the Commission, a proper case for the issuance of such permit is shown, it may grant the same to the applicant and such permit shall contain the condition that all races or race meetings conducted thereunder shall be subject to the rules, regulations, and conditions from time to time prescribed by the Commission and shall be revocable by the Commission for any violation thereof or whenever the permittee shall be found guilty of conduct not conducive to the best interests of legitimate greyhound racing. After a permit has been granted and issued to such applicant, the permittee shall have the right to have a license issued to it annually to conduct greyhound racing at its race track during the greyhound racing seasons of subsequent years unless greyhound racing in the county of the permittee's race track shall have been disapproved by a referendum election held as herein provided. But if a permit is revoked or a subsequent annual license is refused, revoked or suspended to any permittee by said Commission, it shall publicly state its reasons for so doing and said reasons shall be written in full in the minute book of said Commission, which shall at all times be subject to inspection upon application of any person desiring so to do. Said finding of the

Commission revoking such permit or refusing revoking or suspending such annual license shall be subject to review by a court of competent jurisdiction, provided always that the Commission shall not grant or issue any permit to any applicant to conduct greyhound racing within fifty miles from any greyhound race track of any permit holder.

4. Race meetings, at which racing shall be permitted for any stake, purse or reward except as allowed by this act, is hereby declared to be a public nuisance and any person acting or aiding therein shall be deemed guilty of misdemeanor and punished by a fine of not less than $500.00 nor more than $1,000.00 for each day of such meeting or racing and in addition thereto, in a suit brought for the purpose by the Greyhound Racing Commission in the Circuit Court of the county where it may be proposed to conduct such unauthorized racing, an injunction may be obtained against the operation of such race meeting.

5. At the time of making application for a permit, the applicant shall deposit with the Racing Commission a cash bond, certified check or bank draft payable to the order of the Racing Commission in an amount equal to $100.00 for each day excluding Sundays, petitioned for in said application. At the close of the last day of Greyhound Racing Commission for which a permit has been issued as provided for in Section 6 of this Act, the Racing Commission shall refund to such permit holder the sum of $100.00 for each racing day the permit holder paid the Racing Commission the tax due for said day as provided for and at the rate stipulated by this Act; provided, however, if such permit holder has not paid to the Racing Commission the expenses and compensation or representatives assigned to his or its track as provided for in this Act, the commission is authorized and directed to withhold such refund until the same has been paid. In the event, any full day's racing is declared off by the judges on account of inclement weather, muddy tract, or any essential part of said racing plant has been rendered unusable by fire, wind, riot, or explosion or other cause, the Racing Commission shall refund to the permit holders the sum of $100.00 of their deposit for each day.

6. Upon the filing of an application accompanied by a permit fee or a cash bond, certified check or bank draft as herein provided by any person, association, trust or corporation not in default of payment of any obligation due to the Commonwealth of Kentucky under the provisions of this Act the Racing Commission may issue a permit to such applicant to hold or conduct Greyhound Racing as authorized in this Act. Such permit shall specify the person, association, trust or corporation to whom the same is issued, the dates upon which such Greyhound Racing meetings are to be held or conducted, the hours of such dates between which such Greyhound Racing shall be permitted, the location of the place, track, or enclosure which such Greyhound Racing Meeting is to be held or conducted and shall in writing, evidence the receipt of the payment of the permit fee and the deposit of the cash bond, certified check or bank draft by applicant, and if such permit is issued to such applicant it shall contain a condition that all Greyhound Racing Meetings conducted therein, shall be subject to the rules and regulations of the commission as then existing or as may be from time to time prescribed and promulgated by said Racing Commission. The commission may refuse to award dates or to issue a permit to any applicant if a permit has been previously issued to said applicant and revoked under the authority of this Act or for any cause by it deemed sufficient. Such permit may be suspended diminished or revoked by the commission for any violation of this Act or of any rule of the commission made under authority of this Act, provided five days written notice is mailed by registered mail to the permit holder which notice shall specify the charges, the time and place of hearing thereon at which hearing the permit holder shall be given the opportunity of presenting evidence and being represented by counsel and the Racing Commission shall immediately enter upon its record of proceedings a memorandum of its action in such suspension diminution or revocation and its reasons therefor. Such permit shall be non-transferable and shall apply only to the place, track or enclosure specified in the permit.

7. Any person, association, trust or corporation holding a permit to conduct a Greyhound Racing Meeting, may provide a place or places in the racing grounds or enclosure at which they or it may conduct and supervise the combinations, French pools,

or certificate system of wagering by patrons of legal age on the Greyhound races conducted by such permit holder at such meeting. (Such combinations, or French pool or certificate method of wagering upon Greyhound races held at or within such race track and at the time of such Greyhound Racing Meeting shall not be held or constured to be unlawful the Statutes of the Commonwealth of Kentucky, to the contrary notwithstanding). Any law in conflict therewith is hereby repealed. No other place except that provided and designated by the permit holder or any method of betting or wagering except the combination or French pools or certificate system shall be used or permitted by the permit holder in which the combination or French pools or certificate system of wagering be conducted by the permit holder on any Greyhound races except the races at the race tracks grounds, or enclosure for which the person, association, trust or corporation holds a permit. Each permit holder may retain as commission, not to exceed fifteen per cent of the total of all money wagered each day. The permit holder may also retain the odd cents of all redistributions to be made on all compensation or French pools or certificate system, contributions exceeding a sum equal to the next lowest multiple of ten cents. At the close of each racing day, the permit holder shall pay to the Racing Commission as a tax, three per cent of the total of all money wagered each day. In addition to the aforesaid taxes, each person, association, or corporation authorized to conduct race meetings under this Act shall pay to said Racing Commission fifteen per cent of all moneys received each day for admissions by persons attending said races. Said payment shall be accompanied by a report under oath showing the total of all said contributions and admissions on the races covered by such report and such other information as said commission may require. If any free passes or complimentary admission cards shall be issued to guests by any licensee, the licensee of such track shall pay to the commission the same tax upon such complimentary admission cards as if same were sold at the regular and usual rate; but nothing herein shall be construed to prevent the issuance of tax free passes to officials and accredited newspaper men and actual employees of the licensee or other person engaged actually in working at such race track, provided, however, that the issuance of all such tax free passes shall be under the regulation or orders of

the commission and a list of all officers and employees shall be filed with the commission. The tax herein imposed shall be in lieu of all license excise or occupational taxes to the Commonwealth of Kentucky, or any county, town or political subdivision thereof, except that when any racing meeting is held or conducted in any incorporated city or town, such city and town shall have the right to assess and collect an additional tax against any person, firm association or corporation conducting Greyhound racing within its corporate limits not to exceed $50.00 per racing day.

8. All moneys collected from the three percent commission as above referred to and all moneys collected from the sale of admission tickets as above referred to, shall be paid by the racing commission to the State Treasurer of the Commonwealth and said moneys when paid to the State Treasurer shall be allocated to and used for the general common school fund.

9. At least, eighty-five per cent of all persons connected with any race track authorized under this Act, including gatekeepers, announcers, and ushers shall be qualified electors of this Commonwealth of Kentucky, provided, that this section shall not apply to owners and trainers of racing Greyhounds.

10. After any corporation or association duly licensed by this commission has been operating Greyhound Racing in any county for a period of sixty days if the citizens of said county are dissatisfied with Greyhound Racing in said county, an election or referendum may be ordered by the legal voters of said county in number equal to twenty-five per cent of the votes cast therein at the last preceding election provided said number of voters shall sign a petition to that effect in the office and in the presence of the County Clerk of said county, who shall at the time said petition is signed determine whether said signer or signers are qualified voters of said county and after the requisite number of voters have signed said petition, the County Clerk shall certify these facts to the County Judge, whose duty it shall be at the next regular term thereof, after receiving said petitions to make an order in his order book directing an election to be held in such county, to be effected thereby on some day named in said petition, no earlier than sixty days after said application is lodged

with the judge of said court, which order shall direct the sheriff or court officer of said county who may be appointed to hold said election, to open a poll at each and all of the voting places in such county, city, town, district, or precinct on said date for the purpose of taking the sense of the legal voters of such county who are qualified to vote at elections for county officers upon the proposition whether or not Greyhound Racing shall be conducted in said county.

11. It shall be the duty of the County Clerk to give to the sheriff of the county or such officer as may be appointed to hold said election a certified copy of the order of the county court as it appears on the order book within five days after said order is made; and it shall be the duty of said sheriff or other officer to have said order published in some weekly or daily paper published in the county for at least two weeks before the election and also to advertise the same by printed or written handbills posted at some conspicuous place in each precinct in the county for the same length of time when the election is held for the entire county; the sheriff or other officer shall have the advertisements and notices herein provided for, posted as herein required within seven days after he receives the order of the county court. All elections provided for in this act shall be held by such officers as would be qualified to hold elections for county officers and they shall be selected in the same way, and all elections provided for herein shall be held in accordance with the provisions of the general election laws of the state, except that they shall not be held on the same day with any regular, political nor within thirty days preceding or following any such regular, political election.

12. If it shall be found that a majority of the legal votes cast at any election herein provided for were given for or against Greyhound Racing, it shall be the duty of the canvassing board to certify that fact which certificates shall be delivered to the clerk of the County Court and by him safely kept until the next regular term of the County Court at which term the judge thereof shall have the same spread on the order book and said entry of certificate in the order book or a certified copy thereof shall be prima facie evidence in any and all proceedings under this act.

13. The result of said election when so held under the provisions of this act shall determine the question for a period of five years and no election shall be held again in said county upon the subject for a period of five years thereafter.

14. If any section of this act shall be declared unconstitutional it shall only affect such section and not affect any other section of this act.

15. All acts or parts of acts in conflict herewith are to the extent of such conflict hereby repealed.

By Mr. Morgan.

H. B. No. 441. AN ACT providing that in any county having a population of less than seventy-five thousand and in which the county clerk shall have had the bond required of him by law executed by an incorporated surety company, the county clerk shall, in certain instances, have a claim against the state for the amount of the premium paid by him.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. In any county having a population of less than seventy-five thousand, and in which the county clerk shall have had the bond required of him by law executed by an incorporated surety company, the county clerk shall have a claim against the state for the amount of the premium paid by him, payable as other claims are paid, but only if the fees theretofore paid into the State Treasury by such officer are sufficient to pay the premium in addition to his other official expenses theretofore incurred that are entitled to be paid out of such fees. The amount of premium to be paid by the state shall be approved by the judge or court who approved the bond.

Sec. 2. Every claim made under Section 1 of this Act for the payment of a premium on a bond shall be verified by affidavit of the officer executing the bond as principal.

Ordered that said bills be printed and referred.

Mr. Hanratty moved that the House do now recess for ten minutes.

Said motion was agreed to.

And then the House recessed.

Ten minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Hanratty moved that the rules be suspended for the purpose of allowing a report of Committee.

Said motion was agreed to by a majority of the members elected.

Thereupon, the Committee on Rules, to which the same had previously been referred, reported a bill of the following title, viz:

H. B. No. 441. AN ACT providing that in any county having a population of less than seventy-five thousand and in which the county clerk shall have had the bond required of him by law executed by an incorporated surety company, the county clerk shall, in certain instances, have a claim against the state for the amount of the premium paid by him.

With the expression of opinion that same should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

At the instance of the Committee on Rules, the House took up for consideration from the Orders of the Day a bill of the following title, viz:

H. B. No. 278. AN ACT relating to school taxes, by whom

levied; amount of levy; when levy to be made; property subject to levy; furnishing of assessment valuations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 160.460 of the Kentucky Revised Statutes is hereby amended, repealed, and reenacted so as, when amended and reenacted, it shall read as follows:

(1) All school taxes shall be levied by the fiscal court of each county except in independent school districts embraced by cities of the first four classes. In such districts the tax shall be levied by the governing body of the city. The tax levying authority shall levy such ad valorem tax and such poll tax as specified by the district board of education within the limits prescribed in KRS 160.475, which will obtain for the school district the amount of money needed as shown in such district's general school budget submitted under the provisions of KRS 160.470.

(2) The tax levying authority shall make an annual school levy not later than July 1. The school levy shall not be made until the general school budget has been received by the tax levying authority. The failure of the authority to make the levy by the date prescribed shall not invalidate any levy made thereafter.

(3) All school taxes shall be levied on all property subject to local taxation in the jurisdiction of the tax levying authority. If the school levy is to be made upon the city assessment as authorized in subsection (1), the clerk of such city shall furnish to the school district or districts which the city embraces, the assessed valuation of property subject to local taxation in the school district, as determined by its tax assessor. If the school levy is to be made upon the county assessment the county clerk shall furnish to the proper school district or districts the assessed valuation of property subject to local taxation in such district or districts, as certified by the Kentucky Tax Commission.

Mrs. Stovall moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Bernam Adams	Paul Combs	Paul S. Jonas
Bill Adams	R. Josh Cosby	Barkley Jones
Edgar Arnett	B. H. Crider	William Jones
Sidney Baer	Thomas R. Duncan	James W. Lambert
Clarenge J. Barnum	R. C. Estepp, Sr.	Mrs. J. T. Linton
C. E. Baumgardner	Mitchell S. Fannin	Homer E. Losey
Leonard T. Bean	C. A. Hammons	A. L. (Chick) Love
John D. Beatty	James P. Hanratty	Harry K. Lowman
Fred Beshear	Paul E. Hayes	True Mackey
L. E. Bradley	William K. Henry	Damon Majors
Edward O. Bridgers	E. R. Hilton	William T. Marshall
Thomas L. Britton	Ray Holbrook	G. Lee McClain
Charles J. Bronston	Woodrow W. Hollan	Jack McPherron
J. D. Buckman, Jr.	W. M. Horn	Emmett G. Moore
Charles W. Burnley	Durham W. Howard	Walter R. Moorman
Alex Calvert	Robert N. Hubbard	Fred H. Morgan
Stanley Carter	Silas Jacobs	C. S. Nabb

Dr. C. E. Palmore	Gus Sheehan, Jr.	Egbert V. Taylor
Hobart Rayburn	Jesse H. Shelton	M. G. Thompson
W. R. Reasor	Forest Smith	Rev. T. H. Tinsley
Carl J. Ruh	Joseph T. Snapp	Ralph N. Walter
Amos Runyan	John M. Spaulding	Fred M. Warns
Dr. Roy Sanders	Raymond D. Stigall	Morris Weintraub
LeRoy Saylor	Mrs. Thelma Stovall	Geo. F. Williamson
Roy Searcy	W. R. Stringer	Charles W. Wirsch
Paul E. Shannon		

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Those who voted in the negative were—

Richard R. Houpt	James H. Polsgrove	Harry L. Waterfield
Jesse H. Lawrence	Leonard W. Preston	

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Resolved that the title thereof be as aforesaid.

Mr. Hanratty moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Hanratty moved that the House do now take up for immediate consideration from the Orders of the Day a bill of the following title, viz:

S. B. No. 1. AN ACT relating to Fireworks.

Said motion was agreed to.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As used in this Act, "fireworks" mean and includes any combustible or explosive composition, or any substance or combination of substances, or article, prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include but not limited to blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers,

torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. The term 'fireworks' shall NOT include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths grains or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for use, and toy pistol paper caps which contain less than twenty-hundredths grains of explosive mixture, the sale and use of which shall be permitted at all times.

Section 2. No person shall sell at retail, or offer, advertise or expose for sale at retail, or use or explode, any fireworks within this state; Provided, however, that in cities the chief of the fire department, or mayor or similar official where there is no fire department, and in counties outside of cities the county judge, shall have power to grant permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals. Every such display shall be handled by a competent operator to be approved by the public official by whom the permit is granted, and shall be of such character, and so located, discharged or fired as in the opinion of such official, after proper inspection, shall not be hazardous to property or endanger any person. Applications for permits shall be made in writing at least fifteen days in advance of the date of the display. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Section 3. No permit shall be issued under Section 2 of this Act unless the applicant shall give bond, deemed adequate by the official to whom application for the permit is made, in a sum not less than five hundred dollars, conditioned for the payment of all damages which may be caused thereby either to a person or to property by reason of the permitted display, and arising from any acts of the licensee, his agents, employes or subcontractors.

Section 4. Nothing in this act shall prevent the retail sale and use of explosive or signaling flares used in the course

of ordinary business or industry, or shells or cartridges used as ammunition in firearms, or blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or the sale of any kind of fireworks provided the same are to be shipped by the seller directly out of the state.

Section 5. Any person violating the provisions of this Act, or who knowingly induces another, directly or indirectly, to violate the provisions of this Act, shall be fined not more than one hundred dollars, or imprisoned in the county jail for not more than twenty days, or both.

Mr. Hubbard moved the Previous Question.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Waterfield raised the point of order that said bill was not in the hands of the House but on the Clerk's desk.

The Speaker ruled the point of order as raised by Mr. Waterfield well taken.

Mr. Hubbard moved that the vote by which the Previous Question was ordered on said bill be reconsidered.

Said motion was agreed to.

Thereafter, such reconsideration.

Mr. Hanratty moved that the vote by which said bill was taken from the Orders of the Day be reconsidered.

Said motion was agreed to.

Thereafter, such reconsideration.

Mr. Hanratty moved that the House do now take up from

the Clerk's desk for immediate consideration a bill of the following title, viz:

S. B. No. 1. AN ACT relating to Fireworks.

Said motion was agreed to.

(For bill see H. J. of today, ante.)

Mr. Hubbard moved the Previous Question.

Mr. Waterfield moved that said motion be laid on the table.

Mr. Preston moved that the House do now adjourn.

Mr. Weintraub moved that when the House adjourns today it adjourn to meet again at 10 o'clock, a.m., Friday, March 3, 1950.

Said motion as made by Mr. Weintraub was agreed to.

The yeas and nays being required on the motion as made by Mr. Preston by Mr. Hubbard and Mr. Lowman were as follows, viz:

Those who voted in the negative were—

Bill Adams	Owen Deering	Paul S. Jonas
Edgar Arnett	G. I. Drury	Barkley Jones
Sidney Baer	Thomas R. Duncan	Mrs. J. T. Linton
Clarence J. Barnum	Mitchell S. Fannin	A. L. (Chick) Love
C. E. Baumgardner	Henry C. Hale	Harry K. Lowman
Leonard T. Bean	C. A. Hammons	True Mackey
John D. Beatty	James P. Hanratty	Damon Majors
Fred Beshear	Paul E. Hayes	William T. Marshall
L. E. Bradley	William K. Henry	G. Lee McClain
Edward O. Bridgers	E. R. Hilton	Jack McPherron
Thomas L. Britton	Ray Holbrook	Archie R. Moore
J. D. Buckman, Jr.	Woodrow W. Hollan	Emmett G. Moore
Alex Calvert	W. M. Horn	Walter R. Moorman
Paul Combs	Richard R. Houpt	C. S. Nabb
R. Josh Cosby	Robert N. Hubbard	James H. Polsgrove
B. H. Crider	Silas Jacobs	Leonard W. Preston

Hobart Rayburn	Jesse H. Shelton	M. G. Thompson
W. R. Reasor	Forest Smith	Rev. T. H. Tinsley
Carl J. Ruh	John M. Spaulding	Ralph N. Walter
Amos Runyan	Roy Steers	Fred M. Warns
Dr. Roy Sanders	Raymond D. Stigall	Lyle H. Webb
LeRoy Saylor	Mrs. Thelma Stovall	Morris Weintraub
Roy Searcy	W. R. Stringer	Geo. F. Williamson
Gus Sheehan, Jr.	Egbert V. Taylor	–71

Thereupon said motion was disagreed to.

The yeas and nays being required on the motion as made by Mr. Waterfield by Mr. Hubbard and Mr. Warns were as follows, viz:

Those who voted in the affirmative were—

Bill Adams	R. C. Estepp, Sr.	Alton Mitchell
Thomas L. Britton	Henry C. Hale	Dr. C. E. Palmore
R. Josh Cosby	Silas Jacobs	Leonard W. Preston
G. I. Drury	A. L. (Chick) Love	Roy Steers
Thomas R. Duncan	Jack McPherron	Harry Lee Waterfield
		–15

Those who voted in the negative were—

Edgar Arnett	Mitchell S. Fannin	True Mackey
Sidney Baer	C. A. Hammons	William T. Marshall
Clarence J. Barnum	James P. Hanratty	G. Lee McClain
C. E. Baumgardner	Paul E. Hayes	Archie R. Moore
Leonard T. Bean	William K. Henry	Emmett G. Moore
John D. Beatty	E. R. Hilton	Walter R. Moorman
Fred Beshear	Ray Holbrook	C. S. Nabb
L. E. Bradley	Woodrow W. Hollan	Hobart Rayburn
Edward O. Bridgers	W. M. Horn	W. R. Reasor
Charles J. Bronston	Richard R. Houpt	Carl J. Ruh
J. D. Buckman, Jr.	Durham W. Howard	Amos Runyan
Charles W. Burnley	Robert N. Hubbard	Dr. Roy Sanders
Alex Calvert	Barkley Jones	LeRoy Saylor
Paul Combs	Jesse H. Lawrence	Roy Searcy
B. H. Crider	Mrs. J. T. Linton	Paul E. Shannon
Owen Deering	Harry K. Lowman	Gus Sheehan, Jr.

Jesse H. Shelton	Mrs. Thelma Stovall	Ralph N. Walter
Forest Smith	W. R. Stringer	Fred M. Warns
Joseph T. Snapp	Egbert V. Taylor	Lyle H. Webb
John M. Spaulding	M. G. Thompson	Morris Weintraub
Raymond D. Stigall	Rev. T. H. Tinsley	G. F. Williamson

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Thereupon said motion was disagreed to.

The yeas and nays being required on the motion as made by Mr. Hubbard by Mr. Hubbard and Mr. Lowman were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	William K. Henry	C. S. Nabb
Sidney Baer	E. R. Hilton	W. R. Reasor
Clarence J. Barnum	Ray Holbrook	Carl J. Ruh
C. E. Baumgardner	W. M. Horn	Amos Runyan
Leonard T. Bean	Richard R. Houpt	Dr. Roy Sanders
John D. Beatty	Durham W. Howard	Roy Searcy
Fred Beshear	Robert N. Hubbard	Paul E. Shannon
L. E. Bradley	Paul S. Jonas	Gus Sheehan, Jr.
Edward O. Bridgers	Barkley Jones	Jesse H. Shelton
Thomas L. Britton	Jesse H. Lawrence	Forest Smith
Charles J. Bronston	Mrs. J. T. Linton	Joseph T. Snapp
J. D. Buckman, Jr.	Harry K. Lowman	John M. Spaulding
Alex Calvert	True Mackey	Raymond D. Stigall
Paul Combs	Damon Majors	W. R. Stringer
R. Josh Cosby	G. Lee McClain	Egbert V. Taylor
B. H. Crider	Jack McPherron	M. G. Thompson
Owen Deering	Archie R. Moore	Rev. T. H. Tinsley
Mitchell S. Fannin	Emmett G. Moore	Fred M. Warns
James P. Hanratty	Walter R. Moorman	Charles W. Wirsch
Paul E. Hayes		

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Those who voted in the negative were—

Bill Adams	Silas Jacobs	James H. Polsgrove
Charles W. Burnley	William Jones	Leonard W. Preston
G. I. Drury	James W. Lambert	Hobart Rayburn
Thomas R. Duncan	Homer E. Losey	Roy Steers
R. C. Estepp, Sr.	A. L. (Chick) Love	Mrs. Thelma Stovall
Henry C. Hale	Alton Mitchell	Harry Lee Waterfield
C. A. Hammons	Fred H. Morgan	Lyle H. Webb
Woodrow W. Hollan	Dr. C. E. Palmore	Morris Weintraub
Maurice G. Howard		

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Thereupon, said motion was agreed to.

Whereupon, the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read at length the third time.

Mr. Hanratty moved that the Constitutional provision as to the third reading at length of said bill be dispensed with, and same be read for the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the third reading at length of said bill having been dispensed with, said bill was read for the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Edgar Arnett	James P. Hanratty	Jack McPherron
Sidney Baer	Paul E. Hayes	Alton Mitchell
Clarence J. Barnum	William K. Henry	Archie R. Moore
C. E. Baumgardner	E. R. Hilton	Emmett G. Moore
Leonard T. Bean	Ray Holbrook	Walter R. Moorman
John D. Beatty	Woodrow W. Hollan	C. S. Nabb
Fred Beshear	W. M. Horn	James H. Polsgrove
L. E. Bradley	Durham W. Howard	Leonard W. Preston
Edward O. Bridgers	Robert N. Hubbard	Hobart Rayburn
Thomas L. Britton	Paul S. Jonas	W. R. Reasor
Charles J. Bronston	Barkley Jones	Carl J. Ruh
J. D. Buckman, Jr.	James W. Lambert	Amos Runyan
Charles W. Burnley	Jesse H. Lawrence	LeRoy Saylor
Alex Calvert	Mrs. J. T. Linton	Roy Searcy
Paul Combs	Homer E. Losey	Paul E. Shannon
B. H. Crider	Harry K. Lowman	Gus Sheehan, Jr.
Owen Deering	True Mackey	Jesse H. Shelton
Mitchell S. Fannin	Damon Majors	Forest Smith
C. A. Hammons	G. Lee McClain	Joseph T. Snapp

John M. Spaulding	M. G. Thompson	Lyle H. Webb
Raymond D. Stigall	Rev. T. H. Tinsley	Morris Weintraub
Mrs. Thelma Stovall	Ralph N. Walter	G. F. Williamson
W. R. Stringer	Fred M. Warns	Charles W. Wirsch
Egbert V. Taylor	Harry Lee Waterfield	—71

Those who voted in the negative were—

Bill Adams	R. C. Estepp, Sr.	William Jones
R. Josh Cosby	Henry C. Hale	A. L. (Chick) Love
G. I. Drury	Maurice G. Howard	Fred H. Morgan
Thomas R. Duncan	Silas Jacobs	—11

Mr. Hubbard offered the following amendment to the title of said bill, viz:

Amend the title of Senate Bill No. 1 by adding after the word "Fireworks." the following:

"This Act shall be known as the Beatty Fireworks Bill."

Said amendment to the title of said bill was agreed to.

Resolved that the title thereof be as amended.

Mr. Hubbard moved that the vote by which said bill was passed be reconsidered and that said motion be laid on the table.

Said last named motion was agreed to.

Mr. Hanratty moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.